

ORDER SHEET.
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Cr. Appeal No.S-107 of 2014.

DATE	JUDGMENT WITH SIGNATURE OF JUDGE
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	For orders on MA-6498/17.
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	For orders on MA-6499/17.
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<u>12.09.2017.</u>	
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Mr. Muhammad Saleem Hashmi, Advocate a/w appellant.

Syed Meeral Shah Bukhari, Addl: P.G. for the State.

Mr. Aijaz Ahmed Chandio, Advocate for the complainant.

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J U D G M E N T.

ABDUL MAALIK GADDI,J- Through this appeal, the appellant has assailed the legality and propriety of the judgment dated 30.09.2014 passed by learned VI- Additional Sessions Judge, Hyderabad in Direct Complaint/Sessions Case No.916 of 2011, whereby the trial Court after full-dressed trial convicted and sentenced the appellant as mentioned in the point No.3 of the impugned judgment. For the sake of convenience, it would be appropriate to reproduce the findings on point No.3, which reads as under:-

“In view of my findings in foregoing points, but it is not appeared that he is previous convict, hence by taking lenient view I convict and sentence him for the offence under section 211, PPC till rising of the Court, so also pay fine of Rs.20,000/- or in default to suffer S.I. for one month. Furthermore, I convict and sentence the accused for the offence under section 500, PPC also till rising of the Court, so also to pay fine of one hundred thousand rupees or in default to suffer S.I for six months. He is present on bail, he is taken into custody and remanded to jail to serve out aforesaid sentence.”

2. Facts of the case need not to be reiterated here, as the same have already been mentioned in the memo of appeal as well as impugned judgment. Today this appeal is fixed for arguments.

3. Learned counsel for the parties have filed application under section 345(2), Cr.P.C. for permission to compound the offence as well as application under section 345(6), Cr.P.C. to accept the compromise, as the main section is compoundable. Both the applications filed by the parties

have been signed by the complainant and the accused, who is present on bail.

4. It is stated by the learned counsel for the appellant that the appellant has already been completed the sentence awarded to him, but this appeal is pending since 2014. He further submits that section 500, PPC is compoundable, whereas, the section 211, PPC though not compoundable, but his subordinate section of 500, PPC.

5. Learned Addl: P.G. as well as counsel for the complainant have not opposed to the above contention.

6. I have perused the impugned judgment with the assistance of learned counsel for the parties.

7. It appears that conviction and sentence awarded to the appellant under section 211, PPC is not supported by any cogent evidence available on record, therefore, the findings of the trial Court on this section is set aside. There remains only section 500, PPC, which is compoundable, for which, parties have stated that they have compromised the matter outside the Court, therefore, in order to avoid bloodshed in between the parties, it would be proper to accept the application under section 345(2), Cr.P.C, which has been duly signed by the parties, which is accepted. It also appears from the record that this appeal is pending since 2014 and matter pertains to year 2011, therefore, in my view, the appellant has been sufficiently punished as he is appearing before this Court regularly. Consequently the application to accept the compromise under section 345(6), Cr.P.C. is also accepted. As a result of above, the appellant is acquitted by way of compromise. The appellant is present on bail, his bail bond stands cancelled and surety is discharged.

This appeal stands disposed of in the above terms.

JUDGE.