

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Appeal No.S-108 of 2018

---

DATE

ORDER WITH SIGNATURE OF JUDGE

---

1. For order on urgent application (M.A-384 of 2019).
2. For orders on application for permission to compromise u/s 345(2) Cr.P.C. (M.A-385 of 2019).
3. For orders on application for compromise u/s 345(6) Cr.P.C. (M.A-386 of 2019).

22.01.2019.

Mr. Zahid Hussain Buriro, Advocate for the appellants.

Appellants are present on bail.

Mr. Shawak Rathore, D.P.G.

Mr. Muneer Ahmed Channa, Advocate for complainant, alongwith the complainant.

=

Through this appeal the appellants have assailed the legality and propriety of the judgment dated 02.05.2018, passed by the learned Additional Sessions Judge, Sehwan, in Sessions Case No.169/2017 (re: The State v. Daato and others), arising out of crime No.09/2017, registered at P.S Jhangara, under sections 324, 114, 147, 148, 149, 504, 337-A(i), 337-F(i) and 337-F(vi) PPC, whereby the learned trial Court after full dressed trial convicted and sentenced the appellants as stated in concluding para (Point No.2) of the impugned judgment.

2. During the pendency of instant appeal, both parties have jointly moved two applications, one U/s 345(2) Cr.P.C (M.A.385/2019) to accord them permission to compound the offences and second U/s 345(6) Cr.P.C (M.A. No.386/2019), to acquit the accused/appellants as a result of the aforesaid compromise. The appellants Sain Bux and Huzoor Bux (on bail) as well as complainant Abdul Kareem and injured/P.W Sulleman are present in Court. In support of the said applications complainant Abdul Kareem and injured/P.W Sulleman have also sworn their respective affidavits, which are available on record.

3. I have heard both the parties, present in Court, their respective counsels as well as the learned A.P.G for the State and perused the relevant record.

4. Learned counsel for the appellants submits that the main offence i.e. sections 324, 114, 504, 337-A(i), 337-F(i) and 337-F(vi) PPC are compoundable in nature and due to intervention of neighbours of the community and brotherly for keeping good and cordial relations with each other and for the betterment of parties, the matter has been patched up between the parties and compromise applications are supported by affidavits of complainant Abdul Kareem and injured/P.W Sulleman. Both the parties are also present in court and on query of the Court, affirmed the contents of the said compromise applications. They also stated that they have pardoned to each other without claiming any compensation.

5. The learned Counsel for complainant and A.P.G appearing for the State have also raised their no objection if the said applications are allowed. As regards sections 147, 148 and 149 PPC are concerned, since the main offence i.e. sections 324, 114, 504, 337-A(i), F(i), 337-F(vi) PPC, which are compoundable under the law, have been compromised by both the parties, therefore, the remaining sections 147, 148 and 149 PPC being secondary in nature have no relevancy while deciding the compromise applications.

6. In view of above circumstances, the application for seeking permission to compound the offence u/s 345(2) Cr.P.C. (M.A. 385/2019) is allowed and consequently the application to accept the compromise u/s 345(6) Cr.P.C. (M.A. No.386/2019) is also allowed.

7. As a result of above, the impugned judgment dated 02.05.2018, passed by the learned Additional Sessions Judge, Sehwan, in Sessions Case No.169/2017 stands set aside and the appellants Sain Bux and Huzoor Bux are acquitted of the charge in terms of compromise. They are present on bail; their bail bonds are cancelled and surety stand discharged.

8. In the above terms, the instant criminal appeal stands disposed of alongwith listed applications.

JUDGE

S