

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Appeal No.S- 04 of 2019.

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on application for issuing the P.O of appellants No.2 to 4 from District Prison, Mirpurkhas (M.A-1550 of 2019).
	2. For orders on application for issuing the P.O of appellant No.1 through Superintendent Central Prison, Hyderabad (M.A-1551 of 2019).
	3. For orders on application for permission to compromise u/s 345(2) Cr.P.C. (M.A-1552 of 2019).
	4. For orders on application for compromise u/s 345(6) Cr.P.C. <u>(M.A-1553 of 2019)</u> .

22.02.2019.

Mr. Muhammad Hashim Laghari, Advocate for the appellants.

Ms. Sobia Bhatti, A.P.G.

Mr. Mehfooz Ali Laghari, Advocate for the complainant.

Complainant Muhammad Imran, P.Ws/injured Muhammad Nouman and Muhammad Aamir are present in Court.

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Through this appeal the appellants have assailed the legality and propriety of the judgment dated 09.01.2019, passed by the learned Ist. Additional Sessions Judge, Mirpurkhas, in Sessions Case No.245/2017 (re: The State v. Riaz and others), arising out of crime No.24 of 2017, registered at P.S Mirwah Gorchani, under sections 324, 337-A(i), 337-A(iii), 337-F(i), 337-F(ii), 504, 109, 147, 148, 149 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.1552/2019) to accord them permission to compound the offences and second U/s 345(6) Cr.P.C (M.A. No.1553/2019), to acquit the accused/appellants as a result of the aforesaid compromise. The appellants are confined in jail; where complainant Muhammad Imran and injured/P.Ws Muhammad Nouman and Muhammad Aamir are present in Court. In support of the said applications the complainant as well as injured/P.Ws 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, 337-A(i), 337-A(iii), 337-F(i), 337-F(ii), 504, 109 PPC are compoundable in nature and due to intervention of nekmarks of the community and brotherly of the parties for keeping good and cordial relations with each other as well as for the betterment of both parties, the matter has been patched up between them and compromise applications are supported by the affidavits of complainant Muhammad Imran, injured/P.Ws Muhammad Nouman and Muhammad Aamir. Complainant party is 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 the appellants/accused party without claiming any compensation.

5. The learned Counsel for the complainant and A.P.G appearing for the State have also raised their no objection if the said applications are allowed. As regards the sections 147, 148 and 149 PPC are concerned, since the main offence i.e. sections 324, 337-A(i), 337-A(iii), 337-F(i), 337-F(ii), 504, 109 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.1552/2019) is allowed, and as a result thereof, the application u/s 345(6) Cr.P.C. (M.A. No.1553/2019) to accept the compromise and acquittal of the appellants is also allowed.

7. In view of above, the impugned judgment dated 09.01.2019, passed by the learned Ist. Additional Sessions Judge, Mirpurkhas, in Sessions Case No.245/2017 (re: The State v. Riaz and others) stands set aside and the appellants Ayaz alias Ajoo, Adil alias Sanghi, Zubair alias Lali and Akbar alias Akoo are acquitted of the charge in terms of compromise. They are in custody. They shall be released forthwith if not required in any other custody case.

8. In the above terms, the instant criminal appeal stands disposed of alongwith the pending applications listed at serial Nos.1 and 2.

JUDGE