

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Revision Application No. S-120 of 2021

Applicant: Hadi Bux through Mr. Nazir Ahmed Junejo,
Advocate for applicant/accused

Respondent No.1: The State through Mr. Zulfiqar Ali Jatoi,
Additional P.G

Respondent No.2: Complainant Ghulam Hussain present in
person

Date of hearing: 22.11.2021
Date of decision: 22.11.2021

ORDER

KHADIM HUSSAIN TUNIO, J.- Through present revision application, the applicant/accused Hadi Bux S/o Muhammad Kamil Shar has challenged the judgment dated 25.10.2021, passed by the learned Additional Sessions Judge, Mirwah, in Cr. Appeal No.25/2021 Re- Hadi Bux Vs. the State, whereby he dismissed the appeal of applicant/accused and maintained the conviction and sentence awarded to applicant/accused vide judgment dated; 20.09.2021, passed by the learned Judicial Magistrate, Faiz Ganj in Cr. Case No.140/2020 Re- The State Vs. Hadi Bux whereby applicant/accused has been convicted for an offence punishable under Section 489-F PPC and sentenced him to undergo R.I for two years and pay fine of Rs.30,000/- (Thirty Thousand) and in case of default, applicant/accused would suffer further S.I for

three months more. However, benefit of Section 382-B CrPC was extended to applicant/accused.

2. It is alleged that applicant/accused has issued cheque amounting to Rs.20,50,000/- (Twenty Lac Fifty Thousand) to respondent/complainant Ghulam Hussain, which was dishonoured, on its presentation before the concerned Bank, therefore, FIR was registered against applicant/accused.

3. During pendency of Cr. Revision Application, applicant/accused namely Hadi Bux Shar and respondent / complainant namely Ghulam Hussain have filed joint applications for permission to compound the offence and compromise application duly supported by affidavits of respondent / complainant, stating therein that on the intervention Nek Mards of locality they have settled their entire dispute with each other and have compounded the offence. Respondent / complainant is legally competent to enter into compromise with the applicant/accused. He has excused the applicant/accused and has not received anything from applicant/accused and compromised with the applicant/accused without any coercion, pressure, inducement, promise or threat.

4. Notice of this application has been waived by the learned Additional P.G for the State, who is present in Court in connection with other matters.

5. I have heard the learned counsel for applicant/accused, learned Additional P.G for State and complainant in person, who have

recorded no objection to grant of compromise. I have gone through the material available on record.

6. Keeping in view of the above facts and circumstances of the case, I am of the considered view that the complainant is competent to compound/compromise offence with the applicant/accused. Compromise arrived between the parties on the face of it appears to be genuine and true and there would be no hesitation to accept the same, as the offence punishable under Section 489-F PPC against the applicant/accused is compoundable and has actually been compounded. Accordingly the permission to compound the said offence is hereby accorded. Resultantly compromise arrived between the parties is hereby accepted. Consequently applicant/accused Hadi Bux S/o Muhammad Kamil Shar is hereby acquitted under Section 345(6) CrPC for an offence punishable under Section 489-F PPC. Applicant/accused be released forthwith, if not required in any other case.

7. Cr. Revision Application is disposed of alongwith listed Miscellaneous Application, if any.

J U D G E