

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

Cr. Appeal No.S-239 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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| 1. For orders on office objections. | |
| 2. For hearing of main case. | |

19.12.2022.

Mr. Badal Gahoti, Advocate for appellants alongwith appellants (on bail).

Mr. Imdad Ali Memon, Advocate for complainant alongwith complainant.

Mr. Abdul Waheed Bijarani, Assistant P.G.

ORDER

Through instant Criminal Appeal, appellants Muhammad Bachal and Qadir Bux alias Gadoo have assailed the judgment dated 05.09.2019 passed by learned Additional Sessions Judge, Hala in I.D Complaint No.02 of 2018 (Re: Wazeer Ahmed Memon v. Muhammad Bachal and another) whereby they have been convicted under Section 3(ii) of Illegal Dispossession Act, 2005 and sentenced to suffer rigorous imprisonment for 05 years and to pay fine of Rs.10,000/- each to be paid to complainant, in default of which, to suffer R.I for two months more. Besides, both appellants were directed to pay compensation of Rs.25,000/- each to complainant in terms of Section 544 Cr.P.C with further directions to appellants to handover the possession of land in dispute to complainant as required by sub-section (ii) to Section 8 of Illegal Dispossession Act, 2005.

During pendency of instant appeal, both parties have compromised the matter outside the Court and in this regard they have filed applications under Sections 345(2) & 345(6) Cr.P.C alongwith respective Affidavits before the Court; taken on record. Accordingly, office shall assign numbers to these applications. However, the contents of such Affidavits are affirmed by them. Learned Counsel for complainant submits that property in dispute has been handed over to complainant; therefore, the complainant with core of his heart has forgiven the appellants; hence, they have filed

compromise applications jointly and does not want to prosecute the appellants anymore. Learned Counsel for complainant; however, under instructions records no objection if these applications are allowed and appellants are acquitted of the charge.

The appellants, who are present in person on bail, also submit that they have already put the complainant under peaceful and vacant possession of the land in suit and further they will not take law in their hands and will maintain harmony, peace and tranquility in the area. Hence, they submit that by granting compromise applications the appeal may be disposed of and they may be acquitted of the charges.

Learned Assistant P.G Sindh present in Court waives notice of the applications and while placing his reliance upon the case of AKHTER HUSSAIN v. STATION HOUSE OFFICER SACHAL KARAHAI and 02 others reported in 2020 P.Cr.LJ Note 20, records his no objection, if applications are granted.

Since the possession of land in dispute has been handed over to complainant; therefore, the complainant does not want to prosecute the appellants anymore; hence, he has entered into compromise with the appellants voluntarily and has raised no objection for grant of these applications as well disposal of the appeal accordingly. Learned Assistant P.G has also extended his no objection.

In view of above, it is observed that compromise entered into between the parties appears to be genuine, lawful and without any pressure or coercion from any side and that complainant has voluntarily forgiven the appellants / accused. Therefore, keeping in view the cordial relations between the parties in future, the compromise application under Section 345(2) Cr.P.C is hereby granted and application under Section 346(6) Cr.P.C is accepted. The appellants are acquitted of the charges by way of compromise. They are present on bail; their bail bonds stand cancelled and surety(ies) is/are hereby discharged.

Appeal stands disposed of in above terms.

JUDGE

