

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Appeal No.S-412 of 2019

DATE **ORDER WITH SIGNATURE OF JUDGE(S)**

For hearing of main case.

19.12.2022.

Mr. Aijaz Shaikh, Advocate for appellant alongwith appellant (on bail).

Mr. Abdul Waheed Bijarani, Assistant P.G alongwith SIP Muhammad Rafique SHO P.S Sakhi Pir.

Complainant/injured Munawar Ali is present in person.

ORDER

Through instant appeal, appellant has assailed the judgment dated 11.12.2019 handed down by learned VIIIth Additional Sessions Judge, Hyderabad, vide Sessions Case No.133 of 2018, arising out of Crime No.09 of 2018 of P.S Sakhi Pir District Hyderabad, under Sections 324, 337-F(iii), 34 PPC, whereby he has been convicted and sentenced to suffer R.I for three years and to pay Daman of Rs.10,000/- to be paid to injured/complainant, in default of which, to suffer S.I for 06 months more; however, with benefit of Section 382-B Cr.P.C.

In compliance of earlier order, SIP/SHO P.S Sakhi Pir has served process upon complainant/injured. The complainant / injured namely Munawar Ali is present and submits that he has compromised with the appellant in the name of “*Almighty Allah*” and to this effect both parties have jointly filed applications under Sections 345(2) Cr.P.C and 345(6) Cr.P.C alongwith Affidavits sworn in by them, which are hereby taken on record. Accordingly, office shall assign numbers to these applications.

Learned Assistant P.G Sindh, who is present in Court in connection with other cases, waives notice of the compromise applications and extends no objection if compromise effected between the parties is accepted and appellant is acquitted from the charge.

On query of the Court, complainant / injure named above has stated in open Court that he has voluntarily entered into compromise with the appellant / accused due to intervention of *Nek Mards* of the locality and as such he has forgiven the appellant in the name of “*Allah almighty*”. He further states before the Court that he does not claim any compensation from the appellant in lieu of this compromise. He; however, has recorded his no objection, if the compromise entered into between them is accorded and appellant / accused is acquitted of the charge.

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 / injured is lawfully competent to waive his right of Daman, if any, and voluntary forgive the accused; therefore, in view of cordial relations as well peace and tranquility between the parties in future, the compromise application under Section 345(2) Cr.P.C is hereby granted. Resultantly, appellant is acquitted of the charge under Section 345(6) Cr.P.C. Appellant is present on bail; his bail bond stands cancelled and surety is hereby discharged.

Appeal stands disposed of in above terms.

JUDGE

Shahid