

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Rev. Appln. No.S-55 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGE(S)

1. For hearing of MA-7624/2023.
2. For hearing of MA-7625/2023.

21.08.2023.

Mr. Imam Ali Chang, Advocate for applicant.

Mr. Siraj Ahmed Bijarani, Assistant P.G

Complainant Noor Ali is present in person alongwith his son Noor Ahmed.

ORDER

ARHSAD HUSSAIN KHAN, J.- This Criminal Revision Application has been filed to challenge the judgment dated 06.04.2023 passed by the learned Sessions Judge, Badin (Appellate Court) in Criminal Appeal No.01 of 2023, who dismissed the Appeal filed by appellant / applicant and maintained the judgment dated 28.03.2023 passed by the learned Civil Judge & Judicial Magistrate-I / MTMC Badin (Trial Court) in Criminal Case No.72 of 2022 arising out of Crime No.101 of 2022, whereby applicant / accused was convicted and sentenced to pay Arsh amounting to Rs.2,15,926/-, to the injured, in case of non-payment, applicant was ordered to be dealt with in accordance with Section 337-Y(2) PPC.

2. During pendency of instant criminal revision application, applicant and complainant have jointly filed compromise applications stating therein that due to intervention of their *Nekmards* of the locality they have buried their differences and the complainant has forgiven the applicant in the name of Almighty Allah; therefore, he has no objection if the applicant may be acquitted of the charge and he does not intend to linger on the proceedings anymore. Therefore, he submits that by granting listed applications instant revision application may be disposed of and applicant may be acquitted of the charge.

3. The compromise applications are duly supported by the Affidavits of complainant. The complainant Noor Ali (CNIC No.41101-

0813508-7) is present in person alongwith his son / injured aged about 10/11 years and reiterates the contents of compromise application(s). He further submits that he has received the Ta'zir / Arsh amount of Rs.2,15,926/- in cash from the applicant as he is wali / father of the injured / minor and the said amount he has invested in purchasing the buffalo(s) in the name of minor.

4. Learned Assistant P.G present in Court waives notice of the listed applications and records his no objection.

5. In view of the 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 applicant/accused; therefore, keeping in view the categorical statement made by the complainant before this Court and 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 345(6) Cr.P.C is accepted. Consequently, conviction and sentence recorded by the learned Appellate Court vide impugned judgment dated 06.04.2023 are set aside and applicant Muhammad Juman son of Haji Moosa Soomro is acquitted of the charge. He is confined in jail and jail authorities are directed to release him forthwith if he is not required in any other custody case. This Criminal Revision Application is disposed of.

JUDGE

Shahid