

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Cr. Appeal No.S-59 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For hearing of MA-4619/2022.
2. For hearing of main case.

09.10.2023.

Mr. Zahid Mallah, Advocate for Appellants
Mr. Nazar Muhammad Memon, Additional P.G

ORDER

ARSHAD HUSSAIN KHAN, J.- Through this appeal, appellants have impugned the judgment dated 09.04.2022 passed by learned Additional Sessions Judge-I/MCTC Dadu in I.D. Sessions Case No.337 of 2016, whereby they have been convicted and sentenced to suffer R.I for 07 years and to pay fine of Rs.50,000/- each, in default whereof, to suffer S.I for 06 months more. Besides, they were directed to pay an amount of Rs.100,000/- each as compensation to be paid to the complainant in terms of Section 544-A Cr.P.C, if failed, the same shall be recovered as arrears of land revenue, in case of default, they shall suffer S.I for 06 months more. The sentences recorded against the appellants were ordered to run concurrently; however, with benefit of Section 382-B Cr.P.C.

2. The appellants after above conviction filed this appeal. Upon notice learned counsel for the complainant on 02.10.2023 put his appearance and filed No Objection / Statement / Undertaking alongwith Affidavit of complainant which is available on record. The Affidavit filed by complainant reflects that both the parties have settled their dispute outside the Court and the complainant has been put in possession of the subject land and now he has no objection if the appellants are acquitted of the charges including the compensation amount.

3. Learned A.P.G in view of the above has also extended his no objection to the acquittal of the appellants.

4. From the perusal of the no objection and affidavit sworn in support thereof, it appears that the parties have entered into a compromise without any pressure and coercion and the complainant has pardoned the appellants. It may be seen whether the compromise entered into between the parties in an offence under Illegal Dispossession Act, 2005 is lawful or otherwise. In this respect, I have gone through the Judgment of this Court in the case of Akhtar Hussain v. Station House Officer Sachal Karachi and 2 others [2020 P.Cr.LJ Note 20] wherein a compromise application in an offence under Illegal Dispossession Act, 2005 was allowed and appellant was acquitted of the charge in terms of the compromise. The case in hand is similar in nature as the complainant has sworn an Affidavit that in view of the compromise between the parties he has no objection if the appellants are acquitted of the charges.

5. In view of the above as well as keeping in view the cordial relations between the parties in future, the No objection / compromise entered into between the parties is accepted and consequently all the appellants, namely Qadan alias Qado, Wazir, Nazir, Hakim, Mashooque, Mukhtiar and Abdul Qadir were acquitted of the charges by a short order dated 09.10.2023 and these are the reasons for the said short order.

The Appeal is disposed of accordingly.

JUDGE

Shahid