

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

Criminal Appeal No.S- 145 of 2013

DATE ORDER WITH SIGNATURE OF JUDGE

1. For orders on MA 5372/2024.
2. For orders on MA 5373/2024.
3. For orders on MA 5374/2024..

07.06.2024.

M/s Noor-ul-Haq Qureshi and Saad Salman Ghani, Advocates for appellant alongwith appellant (on bail).

Mr. Mehmood Alam Abbasi, Advocate for complainant alongwith complainant Wishnu Mal and injured Dr. Tekchand.

Mr. Siraj Ahmed Bijarani, A.P.G for State.

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1. Urgency granted.

2&3. During pendency of instant Criminal Appeal, the parties have entered into compromise. The appellant Malik Naseer Khan, complainant Wishnu Mal as well as injured Dr. Tekchand have filed the compromise applications in terms of Section 345(2) and 345(6) Cr.P.C duly supported with their respective affidavits verified by NADRA.

The complainant and injured present in Court have stated that due to intervention of the Nekkards of vicinity they have entered into compromise with appellant namely Malik Naseer Khan and have waived the right of Diyat, Daman, Arsh etc in the name of Almighty Allah and they do not claim anything in lieu of compromise. They have raised no objection for acquittal of the appellant.

Learned counsel for complainant as well as learned A.P.G have also raised their no objection if the compromise applications are allowed and the appellant is acquitted of the charge.

Since the offence with which the appellant is charged is compoundable, the complainant and injured have also raised their no objection for acquittal of the appellant coupled with their counsel as well as learned A.P.G, as such the permission to compound the offence is accorded u/s 345 (2) Cr.P.C and the impugned judgment dated 31.10.2013 passed by learned Additional Sessions

Judge, Kotri in Sessions Case No.52-A of 2005 [The State v. Malik Naseer] arising out of Crime No.11/2004 registered at Police Station Thano Bula Khan for offences u/s 324, 149, 337-D, 337-F(iii), 337-F(vi), 337-L(ii), 109 PPC is set aside. Resultantly, the appellant Malik Naseer is acquitted of charge in terms of Section 345(6) Cr.P.C. The appellant is present on bail, his bail bond stands cancelled and surety is hereby discharged.

The appeal stands disposed of in above terms.

JUDGE

Tufail