

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Jail Appeal No.S-396 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For hearing of main case.

20.05.2022.

Complainant Long Khan and Injured Muhammad Hanif are present in person.

Ms. Rameshan Oad, Assistant P.G.

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Vide judgment dated 24.10.2019 passed by learned Assistant Sessions Judge, Matiari in Sessions Case No.102 of 2018 emanated from Crime No.40 of 2018 registered at P.S Sekhat District Matiari, appellant / accused Amb was convicted for offences under Sections 324, 337-A(v) PPC and sentenced to suffer R.I for three years for each offence and to pay Arsh of Rs.773,400/- to injured Muhammad Hanif, failure whereof he was ordered to be dealt with by Section 337-X(2) PPC. Besides, appellant / accused was convicted for offence under Section 337-A(i) PPC and sentenced to undergo R.I for one year and to pay Daman of Rs.20,000/- to above named victim / injured and in case of default in payment of said Daman, to suffer S.I for further two months. However, both sentences were ordered to run concurrently.

Today, Complainant Long Khan and Injured Muhammad Hanif are present before the Court and have jointly filed applications under Sections 345(2) and 345(6) Cr.P.C alongwith Affidavits, whereby they have entered into compromise with the appellant / accused to compound the offence.

Learned A.P.G, who is present in Court in other matters, waives notice of the applications and tenders no objection to the grant of compromise applications. On query of the Court, complainant and injure named above have stated in open Court that they have voluntarily entered into compromise with the appellant / accused due to intervention of *Nek Mards* of the locality and as

such they have excused the appellant in the name of Allah almighty. They further stated that they do not claim any compensation from the appellant in lieu of this compromise. They; however, recorded 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 are lawfully competent to waive their right of Daman and Arsh, if any, and voluntary excuse the 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. Consequently, appellant Amb S/o Ali Nawaz Khoso is acquitted of the charge. He is confined in Central Prison, Hyderabad, therefore, Superintendent Central Prison, Hyderabad is directed to release the appellant / accused from jail forthwith if he is not required in any other custody case.

Captioned Criminal Jail Appeal is disposed of accordingly.

JUDGE

Shahid