

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD**

Criminal Appeal No.S-226 of 2019

Date of hearing: 14.04.2022
Date of Judgment 14.04.2022

Appellants : Saroop Singh, Dileep Singh, Chehan Singh and Soorat Singh,
Through Mr. Muhammad Rahim Gaju Advocate.

Complainant : Through Mr. Khair Muhammad Bajeer,
Advocate.

The State : Through Mr. Shawak Rathore, Deputy
Prosecutor General.

JUDGMENT

SALAHUDDIN PANHWAR, J- Through listed application viz. MA No.1684 of 2022, the parties have prayed to accord permission to compound the offence under Section 345(2) Cr.P.C as well through application i.e. MA No. 1686 of 2022 appellants have prayed for acquittal under Section 345 (6) Cr.P.C, who through impugned judgment dated 24.11.2021 passed by learned Additional Sessions Judge-I / Model Criminal Trial Court, Tharparkar @ Mithi in Sessions Case No.118 of 2021 emanated from Crime No.31 of 2021, registered at Police Station Diplo, under Sections 302, 324, 354, 337-A(i), 337-F(i), 504, 34 PPC, were convicted and sentenced to undergo imprisonment for life as Ta'zir and to pay Rs.200,000/- (Rupees One Hundred Thousand) each as compensation to the legal heirs of deceased and in case of failure of non-payment of

compensation, to suffer S.I for six months more. Appellants were further convicted for an offence under Section 337-L(ii) PPC and sentenced to suffer R.I for one year, besides they are convicted for offence under Section 337-F(i) PPC for causing injuries to victim / injured Rawatsingh and to pay fine of Rs.5000/- as Daman towards expenses incurred on treatment of victim Rawatsingh. Further, accused Dileep Singh was also convicted for causing injuries to complainant Raisingh under Section 337-L(ii) PPC and sentenced to suffer imprisonment for one year. Accused Cheetansingh is also ordered to pay Rs.10,000/- as Daman towards expenses incurred on treatment of Sht. Sahkoo under Section 337-A(i) PPC and besides to suffer imprisonment of two years as Ta'zir as he caused lathi injuries to injured Sht. Sahkoo.

2. In order to ascertain the genuineness of the compromise between the parties, the compromise applications were sent to the trial Court for inquiry into the matter. The learned trial Court vide its letter dated 10.03.2022 has reported that in compliance of the order of this Court, statements of the legal heirs of deceased Veenjhranj namely Raisingh, Sht. Mankor, Rawat Singh, Bhamar Singh, Khenraj, Sht. Bairaj, Sht. Taju, Sht. Shahkor, Sht. Shamkor, and Sht. Tara Bai were recorded. The legal heirs of the deceased have categorically stated that they have pardoned the accused in the name of Almighty Allah and waived the right of Qisas as well recorded their no objection if the appellants are acquitted from the charge. The learned trial Judge has also called reports from concerned Mukhtiarkar, SHO and NADRA regarding legal heirs of deceased, who in their

respective reports have also mentioned the said legal heirs of the deceased. Record reflects that publication for inviting objections from the interested persons with regard to compromise between the parties was made in daily newspaper "KAWISH" dated 05.03.2022 but nobody came forward to raise any objection before the trial Court.

3. Mr. Shawak Rathore, learned Deputy Prosecutor General, has also extended his no objection on the plea that the offences alleged against the appellants are compoundable.

4. In view of the report submitted by the trial Court as well keeping in view the cordial relations and harmony between the parties in future, the permission to compound the offences is allowed under Section 345 (2) Cr.P.C. Resultantly, the appellants are acquitted of the charge under section 345 (6) Cr.P.C. Appellants are ordered to be released forthwith if not required in any other custody case. Accordingly, appeal stands disposed of alongwith listed applications.

JUDGE