

IN THE HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

Criminal Revision Application No.S-67 of 2023

Applicant: Rashid present on bail through Mr. Mukhtiar Ahmed Jarwar, Advocate.

Respondent: The State through Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Complainant: Muhammad Zeeshan present in person.

Date of hearing: 19.12.2024.

Date of Decision: 19.12.2024.

ORDER

AMJAD ALI SAHITO, J. Through this Criminal Revision Application, the applicant has challenged the impugned judgment dated 07.04.2024 passed in Criminal Appeal No.02/2023 by the learned IInd Additional Sessions Judge, Tando Allahyar, whereby maintaining the judgment dated 27.02.2023, passed by learned Judicial Magistrate-III/MTMC, Tando Allahyar in Criminal Case No.109-A of 2022, in crime No.291/2022 registered at PS A-Section Tando Allahyar for the offences punishable under sections 489-F, 406, 420, 34 PPC, whereby the applicant Rashid was convicted for the offences and sentences as Simple imprisonment for period of two years and fine Rs.40,000/- for the offence under section 489-F PPC read with section 34 PPC and he was also sentenced to two years S.I. and fine of Rs.40,000/- for the offence under section 420 PPC read with section 34 PPC; out of the fine amount the Rs.20,000/- shall be paid to complainant as compensation for mental anguish and loss of property as held under section 545 Cr.P.C. for each offence (total Rs.40,000/-). In case of default of payment of fine amount, he shall further undergo two

months S.I. Both sentences shall run concurrently. However, benefit of section 382-B Cr.P.C. was extended to the applicant.

2. Learned counsel for the applicant states that the complainant has patched up his differences, pardoned the applicant and do not want to proceed the matter further and has also no objection for acquittal of the applicant.

3. Complainant Muhammad Zeeshan is present in person states that he has patched up his differences with the applicant; the applicant has paid some part payment to him outside the Court and he has no objection, if the applicant is acquitted of the charge. Complainant has filed his affidavit of no objection supported through NADRA verification, which also bears his signature, which is taken on record.

4. On the other hand, learned Assistant Prosecutor General Sindh has no objection for acquittal of applicant in view of no objection raised by the complainant.

5. Since the complainant has pardoned the applicant and raised no objection in favour of applicant for his acquittal as well as there is no objection on behalf of learned A.P.G. Sindh and offence is compoundable, therefore, impugned judgment dated 07.04.2024 by the learned appellate Court/IInd Additional Sessions Judge, Tando Allahyar and judgment dated 27.02.2023, passed by learned Judicial Magistrate-III/MTMC, Tando Allahyar are set-aside. The applicant namely Rashid is acquitted of the charge. He is present on bail. His bail bonds stand cancelled and surety discharged. The office shall return all surety papers to the surety after proper verification and identification as per rules.

6. Instant Criminal Revision Application stands disposed of.

JUDGE