

131

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Cr. Revn. Appln. No.S-24 of 2021

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
19.07.2021.	

1. For orders on M.A. No.3529/2021.
2. For orders on M. A. No.3448/2021.
3. For orders on office objection.
4. For orders on M.A. No.3536/2021.
5. For orders on M.A. No.3537/2021.
6. For hearing of M. A. No.1550/2021.
7. For hearing of Main Case.

Mr. Amanullah Luhur, advocate for the applicant.

Mr. Ali Anwar Kandhro, Additional Prosecutor General.

ORDER.

1. Learned Counsel for the applicant pleads urgency, stating that the applicant/accused, who is confined in jail, has patched up with the complainant outside the Court and the parties have filed compromise application. Accordingly, urgency application is allowed and the matter is taken up today for hearing of compromise application.

4 & 5. Applicant/accused Mohammad Muzamil son of Asghar, by caste Jatt Punjabi, was convicted for offence under Section 489-F, PPC and sentenced to simple imprisonment for three (03) years as ta'zir by judgment dated 05.01.2021 passed by the MTMC/Civil Judge & Judicial Magistrate-I, Kandhkot in Cr. Case No.180/2020 re-The State v. Mohammad Muzamil, arisen out of Crime No.192/2020, registered at P.S A/Section, Kandhkot. Such judgment of the trial Court was challenged by the applicant/accused by filing Cr. Appeal No.01/2021, which was dismissed by the learned 1st Additional Sessions Judge, Kandhkot vide judgment dated 02.03.2021 and the conviction and sentence awarded to the applicant were maintained. The applicant/accused has filed instant criminal revision application to challenge both the judgments of the learned trial as well as appellate Courts.

During pendency of this revision application, it appears that complainant Saddique Ali Bangwar patched up with the applicant/accused. Accordingly, an application under section 345(2), Cr.P.C. (being M.A. No.3536 of 2021) seeking permission of this Court to compound the offence has been filed by the parties. Simultaneously, an



application under section 345(5), Cr.P.C. (being M.A. No.3537 of 2021) has also been filed seeking acquittal of the applicant/accused on the basis of the compromise. These applications should have been filed under section 345(5) and 345(6), Cr.P.C respectively. Office to correct the error in red ink.

Complainant Saddique Ali son of Faiz Mohammad Bangwar, who has filed his affidavit in support of the compromise application, appeared before this Court and stated that he has patched up with the applicant/accused on the intervention of nekmards and has no objection if the applicant/accused is acquitted of the charge.

Learned Addl. P.G. in view of the fact that the offence is compoundable also recorded no objection if the compromise applications are allowed.

The offence under section 489-F, P.P.C. is compoundable. The complainant has sworn his affidavit that he has compromised with the applicant/accused on the intervention of nekmards and that he has no objection if the applicant/accused is acquitted on the basis of compromise.

In view of above facts and circumstances, M. A. No.3536 of 2021 is allowed and the requisite permission to compound the offence is accorded to the parties. Resultantly, M. A. No.3537/2021 is also allowed and the applicant/accused is acquitted under section 345(6), Cr.P.C. He shall be released forthwith if not required in any other custody case.

2,3,6 & 7. Instant criminal revision application stands disposed of along with other listed applications.


JUDGE