

IN THE HIGH COURT OF SINDH AT KARACHI

PRESENT:

Mr. Justice Amjad Ali Sahito

Criminal Appeal No.42 of 2025

Appellants : i. Maqbool Ahmed S/o Ghulam Hussain
ii. Doctor @ Babo S/o Urus b/s Khalifo
iii. Waqar Ahmed S/o Allah Dino
iv. Nadir S/o Allah Dino
through Mr. Qamar Raza Khokhar,
Advocate

Complainant : Complainant Soomar S/o Muhammad
Qasim a/w Injured Piyar S/o Khamiso
through Sardar Salman Ishaq, Advocate

Respondent : The State
Through Mr. Qamar Din, APG,

Date of hearing : 11.02.2025

Date of Judgment : 11.02.2025

J U D G M E N T

Amjad Ali Sahito, J.- In terms of impugned judgment dated 20.12.2024, passed by the learned trial Court / Additional Sessions Judge-I (MCTC), Thatta in Sessions Case No.536 of 2002, Crime No.35/2022 U/s 324, 147, 148, 149, 504, 337-H(2), 337-A(i), 337-L(2), 337-F(vi), 114 PPC registered at PS Gharo; whereby the appellants named above were convicted and sentenced as mentioned in Point No.3 of the impugned judgment, which reads as follows:

“Point No.3

22/- In view of the foregoing discussion, I am of the considered opinion that the prosecution has successfully proved its case beyond any reasonable doubt. Resultantly, I hereby convict the accused persons namely Maqbool Ahmed son of Ghulam Hussain Memon, Doctor alias Baboo son of Uris Khalifo, Waqar Ahmed son of Allah Dino

Khalifo and Nadir son of Allah Dino Khalifo under section 265-H(2) Cr.P.C for the offence under section 324 PPC, read with section 149 P.P.C. for becoming members of the unlawful assembly, the assault of which resulted in the unfortunate causing injuries to injured/P.W-Piyar Ali Mallah, and they are sentenced to undergo imprisonment for 08 years and they are also directed to pay Rs.50,000/- each, to the injured/P.W-Piyar Ali Mallah, as compensation, as provided under section 544-A Cr.P.C. In case of default, they shall further undergo simple imprisonment of 05 months more.

23/- I also convict the accused Maqbool Ahmed son of Ghulam Hussain Memon, Doctor alias Baboo son of Uris Khalifo, Waqar Ahmed son of Allah Dino Khalifo and Nadir son of Allah Dino Khalifo under section 265-H(2) Cr.P.C for an offence under section 337-F(vi) PPC read with section 149 PPC, for the causing the injuries to the victim/P.W-Piyar Ali Mallah and sentence them to suffer rigorous imprisonment for five years and also to pay Daman of Rs. 10,000/- (Rupees Ten thousand only) each to be paid to the injured Piyar Ali, if paid and in case of failure, they are to be confined in jail till payment of the same and are to be treated as provided in Section 337-Y(1a) PPC. I also convict them for an offence under section 337-A(i) PPC read with section 149 PPC and sentence them to suffer simple imprisonment for two years and to pay Daman of an amount of Rs.5,000/- (Rupees five thousands) each, on account of Daman each to be paid to the injured Piyar Ali, if paid and in case of failure, they are to be confined in jail till payment of the same and are to be treated as provided in Section 337-Y(1a) PPC.

24/- I further convict the accused Maqbool Ahmed son of Ghulam Hussain Memon, Doctor alias Baboo son of Uris Khalifo, Waqar Ahmed son of Allah Dino Khalifo and Nadir son of Allah Dino Khalifo under section 265-H(2) Cr.P.C for an offence under section 337-L(ii) PPC read with section 149 PPC, for causing the injuries to the victim/P.W-Piyar Ali Mallah and sentence them to suffer rigorous imprisonment for two years and to pay daman of Rs.5,000/ each (Rupees five thousands) each to be paid to the injured Piyar Ali, if paid and in case of failure, they are to be confined in jail till payment of the same and are to be treated as provided in Section 337-Y(1a) PPC. All the sentences shall run concurrently and period during which accused have already remained in custody shall be continued towards above sentences. The convicts are extended benefit of section 382-B, Cr.P.C. and the period they have undergone as under trial prisoners shall be counted towards the sentence of imprisonment. The accused persons are present on bail, their bails stand cancelled, their sureties are discharged and they are taken into custody and sent to Central Jail, Hyderabad though Superintendent District Jail Badin to undergo the

sentences of imprisonment awarded hereinabove. However, the case of absconding accused Sagar son of Babu Khalifo be kept on dormant file till he surrenders or is brought before the Court.”

2. During pendency of instant appeal, parties have entered into compromise due to intervention of *nekmards* and filed such applications, which are supported by the affidavits of complainant Soomar and injured Piyar Ali duly verified by NADRA. The injured present in Court has stated that he has forgiven the appellants in the name of almighty ALLAH and does not claim anything from the appellants, in lieu of compromise, therefore, he has no objection for acquittal of the appellants. The compromise application is also supported with the affidavit of complainant and injured.

3. Learned A.P.G. Sindh appearing on behalf of State contends that he has no objection for acquittal of the appellants in view of compromise arrived at between parties.

4. Since the complainant and injured have extended their no objection for acquittal of the appellants on account of settlement due to intervention of *nekmards* of the vicinity in order to keep cordial relations. The offence is compoundable and learned A.P.G. Sindh has extended no objection. In such circumstance, the impugned judgment is set aside and the compromise between the parties is accepted and appellants are acquitted of the charge under section 345 (6) Cr.P.C. Appellants are presently confined in Hyderabad Jail. They are directed to be released forthwith if they are no required in any other custody matter.

5. Instant Criminal Appeal preferred against the impugned judgment stands disposed of. Office is directed to return R&Ps of the case to the learned trial Court.

JUDGE