

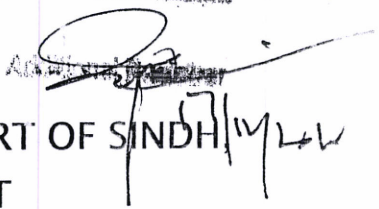
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17/12/2020

PRESENTED ON 17.12.2020



IN THE HONOURABLE HIGH COURT OF SINDH
HYDERABAD CIRCUIT

S=109

Criminal Revision Application No. of 2020

Bahadur Khan @ Bahadur
S/O Abdul Karim @ Adul,
Muslim, adult, by caste Mehar
R/O Village Soondar,
Taluka Nangarparkar,
District Tharparkar @ Mithi

..... APPLICANT

VERSUS

The State

..... RESPONDENT

Compromise Devis

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

Cr. Revision Application No.S-109 of 2020

Date of hearing : 22.11.2023

Date of order : 24.11.2023

Mr. Muhammad Imran Arain, Advocate along with applicant.

Ms. Rameshan Oad Asst. Prosecutor General, Sindh.

Complainant Jan Muhammad and Injured Muhammad Ishaque are present in person.

ORDER

MOHAMMAD KARIM KHAN AGHA, J:-The applicant Bahadur Khan @ Bahadur was tried by the Court of learned Civil Judge / Judicial Magistrate Nagarparkar in Criminal Case No.59 of 2019 for offence U/S 337-A(i), 337-F(i), 341, 504, 506/2, 403, 114, 34 PPC emanating from Crime No.12 of 2019 registered at Police Station Danodhandal and vide judgment dated 15.11.2019, he was convicted U/S 337-A(i) PPC for causing injury of iron rod blow to the head of injured Muhammad Ishaque and sentenced to pay Daman (compensation) of Rs.15,000/- payable to injured Muhammad Ishaque. In case of non-payment of daman, the applicant was to be kept in jail and dealt with in the same manner as if sentenced to simple imprisonment until daman is paid fully as provided u/s 337-y PPC. It is noted that after pronouncement of aforesaid judgment, the applicant was taken into custody however, then he deposited the security amount of Rs.15,000/- through his advocate and as such was released forthwith.

The applicant however, challenged the aforesaid judgment before the appellate Court viz. Additional Sessions Judge-I, Tharparkar at Mithi, who vide judgment dated 18.11.2020 maintained the judgment of the trial Court; hence, the applicant has now approached this Court by challenging both the judgments of Courts below through this Cr. Revision Application.

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During pendency of this Cr. Revision Application, the parties to this matter namely the applicant Bahadur Khan @ Bahadur, the complainant Jan Muhammad and the injured Muhammad Ishaque, today have jointly filed two applications under Section 345(2) and 345(6) Cr.P.C. as they have patched up their differences and the complainant and injured Muhammad Ishaque have compromised the matter and pardoned the applicant Bahadur Khan @ Bahadur in the name of Allah Almighty.

It is noted that the offence for which the applicant was convicted is compoundable and as such this Court under Section 345(5) and 345(5)(A) may allow such compromise.

It is further noted that applicant Bahadur Khan @ Bahadur, complainant Jan Muhammad and injured Muhammad Ishaque have also sworn their affidavits to the agreement with the compromise and compounded the offence.

Learned A.P.G present in Court waives notice to both the applications, filed today, has gone through the same and states that according to her the compromise is in accordance with law, as such, recorded her no objection.

Learned counsel for the applicant stated that both parties have compounded the offence and the complainant as well as injured have pardoned the applicant in the name of ALMIGHTY ALLAH.

In view of above, the compromise between the parties appears to be genuine and not the result of any coercion or compulsion and since the parties seem to be related to each other, the compromise is likely to promote harmony between them and peace in the society. There appears to be no impediment legal or otherwise in accepting the compromise between the parties. Accordingly, the application under Section 345(2) is accepted. The parties are allowed to compound the offence. Resultantly, the application under Section 345(6) Cr.P.C. is also allowed. The applicant is acquitted in view of the compromise arrived at between the parties. Resultantly, the conviction and sentence awarded by the trial Court is set-aside.

Instant Cr. Revision Application along with applications, filed today, stand disposed of accordingly.

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Cr. Revision Application No.S-109 of 2020

DATE ORDER WITH SIGNATURE OF JUDGE

22.11.2023.

Mr. Muhammad Imran Arain, Advocate for applicant.

Ms. Rameshan Oad, Asst. Prosecutor General, Sindh.

Complainant Jan Muhammad and Injured Muhammad Ishaque are present in person.

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Learned counsel for the applicant has filed two applications under Section 345(2) and Section 345(6) Cr.P.C along with affidavit duly sworn by the parties, which are taken on record.

I have heard the learned counsel for the applicant and learned A.P.G.
Reserved for order.

Hafiz Fahad