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ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Crl. Jail Appeal No. S- 104, 108 and 109 of 2011

DATE	ORDER WITH SIGNATURE OF JUDGE
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For Regular Hearing

08.01.2018

Mr. Asif Ali Abdul Razak Soomro, Advocate for Appellants
Miss Rubina Dhamrah, ADPP for the State.

Adnan-ul-Karim Memon, J. Through above specified Appeals,

Appellants Dhani Bux, Wakeel and Khadim Hussain have impugned three Judgments dated 08.09.2011 passed by learned 1st Additional Sessions Judge, Jacobabad in Crime No.35, 36 and 38 of 2006 respectively, Police Station Thul under section 13 (e) Arms Ordinance being the off-shoot of main case bearing Crime No.27/2006 for offence under Section 302, 148 and 149 PPC whereby Appellant Dhani Bux is convicted and sentenced to suffer R.I for five years while Appellants Wakeel and Khadim Hussain are convicted and sentenced to suffer R.I for four years with fine of Rs.20,000/- each and in case of default thereof to suffer R.I for two months more.

2. At the very outset, Mr. Asif Ali Abdul Razak, learned counsel for the Appellants submits that he does not press all three Appeals because the Appellants have served out their respective sentences. He added that in Crime No.27/2006 under section 302 PPC (Sessions Case No.210/2008 re. State v. Khadim Hussain and others) the legal heirs of deceased Manzoor Ahmed have compromised with Appellants with their own freewill and without coercion or pressure; that they have forgiven the Appellants in the name of Almighty Allah in order to create good relationship amongst themselves. He further asserted that the learned Sessions Judge, Jacobabad has submitted his report dated 17.12.2017 in Criminal Jail Appeal No.110 of 2011 in compliance of order dated 08.5.2017 passed by this Court. He



further argued that the inquiry conducted by the learned trial Court is very much clear which has already been considered by this Court in Criminal Jail Appeal No.110/2011. He lastly submitted that interest of the minor legal heirs of the deceased is secured by depositing Defence Saving Certificates of Rs.6,51,401-84/- face value and the same are available with the Accounts Office of learned trial Court in safe custody. Therefore, he prays that above specified three Appeals may be dismissed as not pressed.

3. Learned ADPP for the State has recorded no objection to disposal of aforementioned Appeals in view of request made by the learned counsel for the Appellants. She further affirmed that sentence awarded by the learned trial Court stands served out by the Appellants.

4. I am cognizant of the fact that Crime No. 35, 36 and 38 respectively under section 13 (e) Arms Ordinance, 1965 which is off-shoot of main Crime No. 27/2006 of Police Station Thul, under section 302, 148, 149, PPC is not compoundable. However, as per record the Appellants have served out their sentence awarded under Section 13 (e) of Arms Ordinance, 1965. Therefore, the aforesaid Appeals are dismissed as not pressed.



Judge