

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

Criminal Appeal No.S- 77 of 2025

1. For hearing of MA 10783/2025.
2. For hearing of MA 10784/2025.

Appellants : (1) Haji Muhammad s/o Muhammad Hussain, (2) Muhammad Haroon s/o Muhammad Hussain, (3) Sher Ali s/o Jumoon Mandhro and (4) Mir Muhammad s/o Jumoon Mandhro Through Mr. Poonjo Ruplani, Advocate.

Complainant/Injured : Muhammad Siddique s/o Lakhadino, Muhammad Usman s/o Lakhadino and Mst. Saira w/o Sikander. **Nemo**.

State : Through Ms. Safa Hisbani, A.P.G.

Date of hearing : **22.12.2025.**
Date of Decision : **22.12.2025.**

O R D E R

JAWAD AKBAR SARWANA, J. Through this Appeal, the appellants have assailed the judgment dated 28.01.2025, passed by learned Additional Sessions Judge-I, Badin in Sessions Case No. 650 of 2023, whereby the appellants were convicted and sentenced as mentioned in concluding point No.2 of the impugned judgment which reads as under:-

“In view of the above discussion on point No.1 (*supra*), which decided as proved, I am of the considered view that the prosecution has succeeded to prove the charge under Sections 337-A(ii), 337-A(i), 337-L(ii), PPC read with section 34 PPC against the accused persons beyond any reasonable doubt. I therefore, convict all the accused namely 1- Haji Muhammad son of Muhammad Hussain, 2-Muhammad Haroon son of Muhammad Hassan, 3-Sher Ali son of Jumoon Mandhro and 4-Mir Muhammad son of Jumoon Mandhro, under Section 265-H (ii) Cr.P.C. for the offence U/S 337-A(ii) PPC read with section 34 PPC of the injury caused to the victim Muhammad Usman and sentence them to undergo simple imprisonment for two years each as Ta’zir and to pay Arsh equivalent to five percent of the Diyat (amounting to Rs.491434/- collectively to the injured victim Muhammad Usman. I also convict all the above named accused under Section 265-H (ii) Cr.P.C for an offence under Section 337-A(i) PPC read with section 34 PPC for causing injury to victim Muhammad Sidique, and

sentence them to undergo simple imprisonment for one year as Ta'zir and to pay Daman amounting to Rs.10,000/- collectively to the complainant/injured Muhammad Siddique. I also convict all the above named accused persons under section 265-H(ii) Cr.P.C for offence under section 337-L(ii) PPC read with section 34 PPC for causing injuries to complainant/victim Muhammad Siddique and sentence them to pay Daman amounting to Rs.10000/- collectively to the injured/complainant Muhammad Siddique. I also convict all the above named accused persons under section 265-H(ii) Cr.P.C for offence under section 337-A(i) PPC read with section 34 PPC for causing injury to Mst. Saira and sentence them to undergo simple imprisonment for one year each and to pay Daman amounting to Rs.10,000/- collectively to the injured Mst. Saira. In default of payment of Daman, the accused shall be dealt in accordance with the Section 337-Y P.P.C., and in default of payment of Arsh, the accused shall be dealt in accordance with Section 337-X P.P.C. The benefit of the Section 382-B Cr.P.C is extended to the accused. All the sentences awarded to accused persons shall run concurrently. All accused are present in Court on bail. Their bail bonds stand cancelled and surety discharged. They are taken into custody and remanded to jail along with conviction warrant to serve out the sentence awarded to them. The copy of this Judgment be given to the accused free of costs, under due receipt."

2. During pendency of instant appeal, the parties have entered into compromise and filed applications u/s 345(2) and 345(6) Cr.P.C., along with their affidavits, which are already available on record.

3. Learned counsel for the appellants states that the offence with which the appellants are booked is compoundable and the parties have patched up under the intervention of the respectable persons of the locality without any pressure, inducement and in order to create cordial atmosphere in the society the complainant has forgiven to the appellants in the name of Almighty ALLAH. They have also forgiven the amount of Arsh and Daman.

4. Conversely, learned Additional Prosecutor General, Sindh appearing on behalf of State recorded her objection for acceptance of the compromise on the ground that paper book is yet to be prepared.

5. Since the parties have patched up their differences; offence is compoundable and the complainant as well as injured have admitted that under the intervention of the respectable persons of the locality without any pressure, inducement and in order to create cordial atmosphere in the society they have forgiven to the appellants in the name of Almighty ALLAH as well as they have forgiven the amount of Arsh and Daman; hence, the compromise between the parties is accepted in terms of section 345 (2) Cr.P.C. Resultantly the impugned judgment dated 28.01.2025, passed by learned Additional Sessions Judge-I, Badin in Sessions Case No. 650 of 2023 is set aside.

As a result whereof, the appellants named above are acquitted of the charge under section 345 (6) Cr.P.C. They are ordered to be released forthwith, if not required in any other custody case.

Instant Appeal stands disposed of in the above terms.

JUDGE

Tufail