

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Appeal No.S-66 of 2021

1. For orders on office objection at flag `A`
2. For hearing of MA No.3236/2025
3. For hearing of MA No.1744/2025
4. For hearing of MA No.1745/2025
5. For hearing of MA No.2896/2025
6. For hearing of main case

10-07-2025

Mr. Bilal Ahmed Soomro, Advocate for the Appellant
Mr. Rukhsar Ahmed Junejo, Advocate for complainant
Mr. Zulfiqar Ali Jatoi, Additional Prosecutor General

Muhammad Jaffer Raza, J:- Appellant Wazir son of Muhammad Eiden Malik, through captioned criminal appeal, impugned the judgment dated 27.8.2021, passed by learned Additional Sessions Judge-I/MCTC, Sukkur, in Sessions case No.106/2019 (*Re- the State vs Wazeer & others*) whereby the learned Judge convicted and sentenced the appellant/accused for offence u/s 302(b) PPC to suffer imprisonment for life as Tazir and to pay fine of Rs.200,000/- (two lacs) as compensation to the legal heirs of the deceased as provided u/s 544-A Cr.P.C or in default thereof to suffer imprisonment for three months more, with benefit of Section 382-B, Cr. P.C.

2. During pendency of the instant criminal appeal, the appellant as well as legal heirs of deceased Qaimuddin, filed applications under section 345(2) & 345(6) Cr.P.C, along with affidavits of the complainant as well as major legal heirs of deceased namely Mst. Hanefaan, Muhammad Ishaque, Mst. Zulekha, Mst. Mithan, Mst. Mooran, Abdul Fatah, Mst. Moomal Khatoon, Imamuddin, and Abdul Mubeen, who are widow, sons and daughters of the deceased. They all appeared in court and have admitted the contents of application for permission to compound the offence and compromise application. They have further stated that they have no objection if compromise arrived between the parties is accepted and the appellant/accused is acquitted of the charge. Mst. Hanefaan widow of deceased, being natural guardian of minor namely Mst. Bhali (daughter) stated so on behalf of the minor as well.

3. The widow of the deceased Mst. Hanefaan also filed an application u/s 345(4) Cr.P.C for permission to compound the offence on behalf of

minor legal heir namely Mst. Bhali. The same is allowed with the consent of the parties. However the application u/s 331(1) PPC filed by appellant for depositing the share amount of minor in installments is not pressing by the counsel for the appellant, which is accordingly dismissed as not pressed.

4. Heard learned counsel for the appellant, learned counsel for complainant and learned Additional Prosecutor General and perused the record.

5. Perusal of record reveals that complainant Abdul Fateh who is also legal heirs of the deceased, and other legal heirs namely Mst. Hanefaan, Muhammad Ishaque, Mst. Zulekha, Mst. Mithan, Mst. Nooran, Mst. Moomal Khatoon, Imamuddin, and Abdul Mubeen, who are widow, sons and daughters of the deceased while Mst. Hanefaan widow, herself and on behalf of minor Mst. Bhali (daughter) being her natural guardian, are competent to compound/compromise the offence with the appellant/accused. They stated that they have entered into a compromise with the present appellant/accused and have pardoned and forgiven him in the name of Almighty Allah with their free will and without any pressure, compulsion or coercion. They further stated that they have waived their right of Qisas and Diyat against the present appellant and have recorded their no objection if the appellant/accused is acquitted.

6. The compromise arrived between the parties on the very face of it appears to be genuine and true, without any inducement or pressure. Considering the geniuses of the compromise, I feel no hesitation to accept the same as the offences punishable u/s 302 PPC is compoundable.

7. Keeping in view of the above facts and circumstances, the compromise arrived between the parties is hereby accepted. Consequently, appellant is hereby acquitted u/s 345(6) Cr.PC in the above case/crime. He be released in this case. However, appellant is directed to deposit the Diyat amount as per share of minor legal heir Mst. Bhali within 30 days before the Accountant of this court. The Accountant of this Court is directed to invest the money in some profitable scheme for the benefit of the minor until she attains the age of majority at which point she shall be able to redeem the Diyat amount and any profits thereof. If the amount is not deposited by the appellant, same shall be recovered as arrears of the land. As per report of

Accountant dated 05.6.2025, the amount of Mst. Bhali is calculated as Rs.545,458.51/-

8. The criminal appeal along with applications u/s 345(2) & 345(6) Cr.P.C, and all other listed applications stand disposed of in the above terms.

J U D G E

Sulemen Khan/PA