

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

Criminal Jail Appeal No.D-139 of 2022
[Confirmation Case No.28/2022]

P r e s e n t:-

Mr. Justice Arshad Hussain Khan

Mr. Justice Muhammad Hasan (Akber)

Appellant : Zakir son of Huzoor Bux Mashori,
Through Mr. Waseem Hussain Jaferi,
Advocate.

Complainant : Imran Ali (None present)

The State : Through Mr. Shawak Rathore,
Deputy Prosecutor General.

Date of hearing: 12.11.2025.

Date of Judgment 12.11.2025.

JUDGMENT

Arshad Hussain Khan, J. Through listed application viz. MA No.4814 of 2025, the parties have prayed to accord permission to compound the offence under Section 345(2) Cr.P.C as well through application viz. MA No.4815 of 2025 appellant Zakir has prayed for acquittal under Section 345(6) Cr.P.C, who through impugned judgment dated 03.12.2022 passed by learned Model Criminal Trial Court-II / IVth Additional Sessions Judge, Hyderabad in Sessions Case No.446 of 2021 arising out of Crime No.34 of 2021, registered at Police Station Hatri District Hyderabad, under Sections 302, 504, 34 PPC, was convicted and sentenced to death as Ta'zir and to pay Rs.500,000/- (Rupees Five Hundred Thousand) as compensation to the legal heirs of deceased Muhammad Sami in terms of Section 544-A Cr.P.C. In case of default in non-payment of the said compensation amount, to suffer S.I for one year more. Appellant Zakir was further convicted for offence under Section 504 PPC and sentenced to suffer

R.I for two years and to pay fine of Rs.20,000/- (Twenty Thousand) and failure whereof, to suffer S.I for further one month. However, benefit of Section 382-B Cr.P.C was extended to the appellant.

2. In order to ascertain the genuineness of the compromise between the parties, the compromise applications were sent to the trial Court for inquiry into the matter. The learned trial Court vide its letter dated 02.08.2025 has reported that in compliance of the order of this Court, inquired the legal heirs of deceased Muhammad Sami, namely Riaz Hussain Mashori (father), Mst. Maradan (mother), Faraz (brother), Naeem (brother), Mst. Anum (sister), Mst. Kiran (sister), Yaseen (brother), Sahil (brother) and Hina (sister).

3. Further, the learned trial Court recoded the statements of complainant Imran Ali (paternal cousin of deceased), Riaz Hussain Mashori (father of deceased) and Mst. Muradan (mother of deceased), wherein they have categorically stated that deceased Muhammad Sami was unmarried and they have pardoned the appellant/accused Zakir in the name of Almighty Allah and waived the right of Qisas and Diyat as well recorded their no objection if the appellant/accused is acquitted from the charge. The learned trial Court has also called reports from concerned Mukhtiarkar, SHO as well NADRA regarding legal heirs of deceased, who in their respective reports have also mentioned the said legal heirs of the deceased viz. Riaz Hussain Mashori (father) and Mst. Muradan, (mother). Record reflects that publication for inviting objections from the interested persons with regard to compromise between the parties was made by the trial Court in daily newspaper "KAWISH" dated 12.07.2025 but nobody came forward to raise any objection before the trial Court.

4. Mr. Shawak Rathore, learned Deputy Prosecutor General, has also extended his no objection on the plea that the offences alleged against the appellant are compoundable.

5. In view of the report furnished by the trial Court and keeping in view the cordial relations and harmony between the parties in future, the permission to compound the offences is allowed under Section 345 (2) Cr.P.C. Consequently, appellant Zakir son of Huzoor Bux Mashori is acquitted of the charge under section 345(6) Cr.P.C. Appellant is confined in jail. He is ordered to be released forthwith if not required in any other custody case. Accordingly, Criminal Jail Appeal No.D-139 of 2022 alongwith death reference as well as listed applications stands disposed of.

JUDGE

JUDGE

Shahid