

**IN THE HIGH COURT OF SINDH KARACHI**  
**Criminal Appeal No.91 of 2026**

Appellants : i. Danish Ali s/o Muhammad Ashraf  
ii. Syed Abdul Sattar s/o Syed Abba Mian  
Through Mr. Muhammad Farooq, Advocate

Legal heir of decease ; Abdul Ghani Panhwar  
Through Syed Tajuddin, Advocate

Respondent : The State  
Through Mr. Ali Raza Abbasi, APG

Date of hearing : 15.05.2026  
Date of order : 25.05.2026

**ORDER**

**MIRAN MUHAMMAD SHAH, J:-** Through the instant criminal appeal, the appellants, Danish Ali son of Muhammad Ashraf and Syed Abdul Sattar son of Syed Abba Mian, have challenged the judgment dated 10.01.2026, passed by the learned Additional Sessions Judge-IV, Karachi West, in Sessions Case No.2013/2020 [*The State Vs. Danish and another*] arising out of FIR No. 247/2020 registered at Police Station SITE-B, Karachi, for offences punishable under Sections 302, 279, 322, 114, and 34 of the Pakistan Penal Code (PPC). Through the said judgment, the learned trial Court convicted and sentenced the appellants under Section 265-H(ii), Cr.P.C., as follows:

- i.* Appellant Danish was convicted and sentenced for the offence u/s 320 PPC to undergo R.I. for a period of five years, in addition being share liability with co-accused, he shall pay half of the Diyat amount to the legal heirs of the deceased, as per the value/rate notified by the Federal Government for the financial year 2020, as offences are pertain to the year 2020.
- ii.* Appellant Syed Abdul Sattar Shah was convicted and sentenced for the offence 322 PPC to pay only half of the Diyat amount to the legal heirs of deceased, as per the value/rate notified by the Federal Government for the financial year 2020.

2. Through the present appeal, the learned counsel for the appellants has also impugned the order dated 26.01.2026, whereby, on an application filed by appellant No. 2 seeking permission to deposit half of the Diyat amount in compliance with the judgment dated 10.01.2026, the learned trial Court directed him to deposit the said amount in accordance with the notification issued by the Government of Pakistan dated 18.08.2025.

3. It is pertinent to mention here that although the present appeal has been filed against the conviction and sentence, as well as against the order regarding deposit of the Diyat amount, however, at present learned counsel for the appellants argued the appeal to the extent of determination of the Diyat amount.

4. Learned counsel for the appellants submitted that since the offence took place in the year 2020, the amount of Diyat payable should be determined in accordance with the notification which was in force at the time of occurrence.

5. On the other hand, learned counsel for the legal heirs of the deceased submitted that, under the law, the Diyat amount is required to be deposited according to the rate prevailing on the date of the final judgment, which in the present case was passed on 10.01.2026. Therefore, the Diyat amount is payable in accordance with the notification for the year 2025-2026.

6. Learned A.P.G. also supported the impugned order regarding deposit of the Diyat amount and submitted that the learned trial Court committed no illegality or irregularity while passing the impugned order.

7. I have heard learned counsel for the appellants, learned counsel for the legal heirs of the deceased, as well as the learned A.P.G., and have also perused the available record. The main controversy between the parties is whether the Diyat amount is to be paid according to the rate prevailing at

the time of commission of the offence or according to the rate prevailing on the date of the final judgment. Sections 323 and 331, PPC establish (i) a fixed benchmark for Diyat pegged to 30, 630 grams of silver and (ii) the statutory mechanism for its quantification, payment and enforcement. The conversion of this silver-based peg into Pakistani rupees is effected through the annual Notification issued by the Competent Government. It has been settled by the Hon'ble Supreme Court of Pakistan that the amount of Diyat is to be determined according to the rate prevailing on the date of the final judgment. Therefore, the relevant date for determining the rupee value of Diyat is the date of the final judgment and not the date of commission of the offence. In this regard, reliance is placed upon the cases of *Muhammad Anwar v. The State* (PLD 2012 SC 769) and *Suo Motu Case No.19 of 2011* (2012 SCMR 437). In the case of *Muhammad Anwar* (supra), the Hon'ble Supreme Court held as under:

“In view of the language of section 323 of Pakistan Penal code it is crystal clear that the value of the Diyat amount is to be assessed by the Court which shall not be less than the value of thirty thousand six hundred and thirty grams of silver, thus, it is apparent that the rate of Diyat in vogue at the time of compromise shall be applicable and not the rate prevailing at the time of commission of offence.”

8. In view of the aforesaid case law, the notification regarding the Diyat amount prevailing on the date of the final decision shall be applicable and not the notification prevailing on the date of commission of the offence. In the present matter, since the judgment was passed during the financial year 2025-2026, the rate of Diyat notified by the Government of Pakistan for the said financial year shall apply. Therefore, the learned trial Court was fully justified in passing the impugned order dated 26.01.2026, which does not call for any interference by this Court. Consequently, the appellant No.2 is required to deposit the Diyat amount as specified by the learned trial Court in the impugned order.

9. Since at present the appeal was argued only to the extent of determination and payment of the Diyat amount, the same is disposed of to that extent. However, the main criminal appeal shall remain pending and shall be decided on merits after hearing the parties and if the appellant No.2 Syed Abdul Sattar makes payment of the Diyat amount, the appeal against him shall become infructuous. The matter is adjourned to 22.06.2026 for hearing of main appeal.

**JUDGE**

Suleman Khan/PA

6. I have heard learned counsel for the appellants, learned counsel for the legal heirs of the deceased, learned APG and peruse the record. The crux of the arguments of both the counsel is that the diyat amount is to be paid as per prevailing rate when the offence committed or when the final judgment was passed. Sections 323 and 331, PPC establish (i) a fixed benchmark for Diyat pegged to 30, 630 grams of silver and (ii) the statutory mechanism for its quantification, payment and enforcement. The conversion of this silver-based peg into Pakistani rupees is effected through the annual Notification issued by the Competent Government. It has been held by the Apex court that the amount of Diyat is to be determined according to the rate prevailing on the date of the final judgment. Section 323 establishes a Shariah-based silver peg in grams, while the Government's annual Notification contemporaneously translates that the peg into its rupee value for the period in which adjudication is concluded. Thus, the relevant date for rupee quantification is the date of the final judgment not the date of the offence. Reliance is placed on the case of Muhammad Anwar v. The State (PLD 2012 SC 769) and Suo Motu Case No.19 of 2011 (2012 SCMR 437). In the case of Muhammad Anwar (supra) it has been held by the Hon'ble Supreme Court as under:

“In view of the language of section 323 of Pakistan Penal code it is crystal clear that the value of the Diyat amount is to be assessed by the Court which shall not be less than the value of thirty thousand six hundred and thirty grams of silver, thus, it is apparent that the rate of Diyat in vogue at the time of compromise shall be applicable and not the rate prevailing at the time of commission of offence.”

In view of the aforesaid case law the notification regarding diyat amount prevailing on the date of final decision shall be applicable and not the date of offence. In this matter since the judgment was passed during the financial year of 2025-26, therefore the rate of Diyat declared by the

Government of Pakistan in the Notification for the financial year 2025-26, shall be applicable and the learned trial court has justified in passing the impugned order dated 26.01.2026 which requires no interference by this court. Hence the appellants are required to deposit the diyat amount specified by the trial court in the impugner order.

Since the appeal was presses only on the point of payment of rate of diyat amount, therefore this appeal is disposed of to the extent of payment of diyat amount. However, main appeal shall deem to be pending and will be decided after hearing the parties. For hearing of the appeal the matter is adjourned to

**JUDGE**

Suleman Khan/PA

