HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

Cr. Jail Appeal No.S-181 of 2019

[Allah Wasayo vs. The State]

Appellant	:	Allah Wasayo S/o Abdul Hakeem Mari **By Haji Khan Jamali advocate**
Respondent	:	The State **By Mr. Siraj Ahmed Bijarani Assistant P.G**
Legal heir of the deceased:		Mst. Arbab Zadi **In person**
Date of hearing	:	25.09.2026
Date of decision	:	25.09.2026

O R D E R

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JAWAD AKBAR SARWANA J:- The Appellant/convict Allah Wasayo S/o Abdul Hakeem Mari in this appeal was convicted & sentenced vide judgment dated 09.07.2019 passed by the learned Ist Additional Sessions Judge/Model Criminal Trial Court, Shaheed Benazirabad in FIR No.30 of 2013 under Sections 302, 148 and 149 PPC registered at P.S Bandhi to suffer R.I for life and to pay compensation of Rs.2,00,000/- to the legal heirs/wali of the deceased Abdul Hameed, failing which further undergo S.I for one year.

2. During the course of the pendency of this appeal the counsel for the appellant filed two applications bearing No.4964 & 4965 of 2026 under Sections 345(2) and 345(6) Cr.P.C respectively alongwith affidavits of the legal heir Mst. Arbab Zadi, who is the widow of the complainant and mother of the deceased Abdul Hameed. The said applications were sent to the trial Court vide Order dated 13.08.2026 for verification and report. The trial Court furnished its report dated 07.09.2026 and reported that it has recorded the statement of Mst. Arbab Zadi whereby she has voluntarily pardoned the appellant/convict in the name of Almighty Allah and has also waived her claim of Qisas and Diyat.

3. According to the applications and affidavit attached thereto, the legal heir Mst. Arbab Zadi has pardoned and forgiven the appellant in the name of Almighty Allah with her free will and without any pressure, compulsion or coercion. Today Mst. Arbab Zadi (CNIC# 45404-0675909-0) is present in Court and has admitted the contents of the application for permission to compound the offence and the compromise application.

4. Counsel for the appellant submits that the deceased, Abdul Hameed, was unmarried, while the complainant, Allah Bux, who was the father of the deceased, had passed away during the pendency of this appeal, whereas Mst. Arbab Zadi, who

is the widow of the complainant and mother of the deceased, being the only legal heir in view of the principle laid down by the Supreme Court in the case of *Sartaj and others vs. Mushtaque Ahmad and others* [**2006 SCMR 1916**], has waived her rights of Qisas, Daman, Diyat and compensation against the appellant/convict and has recorded her no objection to such release. Learned Assistant P.G. has also no objection to compromise.

5. Heard Counsel.

6. In terms of the dicta laid down by the Supreme Court in the case referred to above, the father and mother are the only legal heirs of an unmarried deceased. As per the report furnished by the trial Court, the complainant Allah Bux, who was the father of the deceased, had passed away, while the mother, being the only remaining legal heir, has entered into compromise and forgiven the appellant/convict.

7. I have gone through the compromise applications and report furnished by the trial Court. The compromise arrived at between the parties in the instant jail appeal, prima facie, appears to be genuine and true, without any inducement or pressure. The offence is compoundable, and the schedule shows the other offences as not compoundable; however, since the main *offence is compoundable, the others can be compounded as well. Reliance is placed on Husain Bux and Others v. the State* (PLD 2003 Karachi 127).

8. Keeping in view the above facts and circumstances, the compromise arrived at between the parties in the instant matter is hereby accepted. Consequently, the appellant is hereby acquitted u/s 345(6) Cr.PC in Session Case No.538 of 2013 arising out of Crime No.30 of 2013 registered under Section 302, 148 and 149 PPC at P.S Bandhi. He shall be released forthwith if not required in any other custody case.

9. Instant criminal jail appeal along with the listed applications stand disposed of in the above terms.

JUDGE

Sajjad Ali Jessar