

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS.**

Criminal Jail Appeal No.S-05 of 2024

Appellants : 1. Khuda Dino s/o Hussain Bux Panhwar,
2. Muhammad Khan s/o Muhammad
Ismail Panhwar.
Through Mr. Haji Qalandar Bux Laghari,
Advocate.

Respondent : The State through Mr. Neel Parkash,
D.P.G.

Complainant : Jumman Khan Panhwar (called absent)

Date of hearing : 18.12.2025.

Date of Order : 18.12.2025.

O R D E R.

SHAMSUDDIN ABBASI, J:- By this order, I intend to dispose of the Criminal Jail Appeal filed by the appellants, who were convicted by the learned Additional Sessions Judge-II, Mirpurkhas, in Sessions Case No. 118 of 2012 (Re: The State v. Khuda Dino & another), arising out of Crime No. 255 of 2011 of Police Station Town Mirpurkhas, for offences punishable under sections 302, 392 and 34 PPC vide judgment dated 09.11.2017. After a full-fledged trial, the appellants were convicted and sentenced to suffer imprisonment for life with direction to pay Rs.50,000/- each as compensation to the legal heirs of deceased, in case of the default they shall undergo six months S.I and they were also convicted under section 392 PPC and sentenced to suffer R.I for ten year each and to pay fine of Rs.25000/- each, in default they shall have to undergo three months S.I. Hence, this Criminal Jail Appeal

2. During the pendency of the instant Criminal Jail Appeal, the parties have settled their dispute outside the Court and moved applications under sections 345(ii) and 345(vi) Cr.P.C (M.A No.2583/2025 & 2584/2025) along with supporting affidavits of the legal heirs of deceased Ali Ahmed. On the last

date of hearing Mst Reema (daughter), Erum (daughter), Aftab Ahmed and Mehtab Ahmed (sons), Sami (daughter) have appeared in Court except Mst Najma widow of deceased and complainant who is brother of deceased and on the joint request Ms. Nausheen Pahore was appointed as commissioner to visit Mst Najma and complainant for the reason that both are suffering from illness and to examine them through affidavits. Today Ms Nausheen Pahore (advocate/commissioner) has appeared in person and furnished affidavits sworn by Mst Najma widow of deceased and complainant, who is brother of deceased. She further submits that she has verified contents of compromise application and affidavits stating therein that they forgiven the appellants in the name of Almighty Allah and do not claim any Diyat, Qisas or any other compensation. Learned counsel for the appellants submits that main sections are compoundable and compromise is genuine, voluntarily and without coercion. He further pointed out that appellant Khuda Dino has served out sentence for 19 years, 06 months and co-appellant has also suffered quantum sentence. Appellants have served sentence under section 392 PPC and now they are serving out their sentence for offence under section 302 PPC, which is compoundable. On the last date of hearing Mr Noor Din advocate for the complainant reiterated the facts of compromise application.

3. Learned D.P.G. has also recorded no objection to the compromise.

4. In view of the above, instant Criminal jail Appeal is allowed and impugned judgment dated 09.11.2017 passed by learned trial Court is hereby set aside. The appellants shall be released forthwith if they are not required in any other custody case.

JUDGE