

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

**Cr. Acquittal Appeal No.D-75 of 2019**

**Before;**

Mr. Justice Muhammad Iqbal Mahar  
Mr. Justice Irshad Ali Shah

**Appellant:** Hazoor Bux S/o Muhammad Khan Khoso,  
Through Aga Kashif Hussain, Advocate

**Date of hearing:** 04.11.2019

**Date of decision:** 04.11.2019

Facts in brief necessary for disposal of instant acquittal appeal are that one Rasool Bux died of un-natural death and for such death two separate FIRs were lodged with PS Salaro.

2. On investigation learned trial Magistrate took cognizance of the offence on both of the above said FIRs. At trial the legal heirs of the deceased entered into compromise with private respondents, it was accepted, consequently they were acquitted of the offence for which they were charged by learned trial Court vide its order dated 20.07.2019, which is impugned by the appellant /complainant before this Court by way of instant acquittal appeal.

3. On being asked, under what capacity the appellant /complainant has impugned the acquittal order of the private respondents when they have been acquitted by learned trial

Court by way of compromise arrived at by them with the legal heirs of the deceased ?

4. In response to above, it is stated by learned counsel for the appellant/complainant that Mst.Reshma was not a legal heir of the deceased, as she was divorced by the deceased during his lifetime while his minors have not been paid adequate Diyat money. By contending so he sought for setting aside of the impugned order.

5. We have considered the above arguments and have perused the record.

6. Nothing has been brought on record by the appellant/complainant which may suggest that Mst. Reshma was divorced by the deceased during his lifetime and minors of the deceased have been paid inadequate Diyat money. If for the sake arguments, it is believed that the minors of the deceased have been paid inadequate Diyat money then they alone have a right to challenge such grievance and/or acquittal of the private respondents.

7. The acquittal of the private respondents has been recorded learned trial Court after proper inquiry which is not found to have been recorded in cursory or arbitrary manner to

be interfered with by this Court by way of instant acquittal appeal. It is dismissed accordingly.

**J U D G E**

**J U D G E**

Sajjad Ali Jessar