

## IN THE HIGH COURT OF SINDH, KARACHI

Before: Mr. Justice Muhammad Saleem Jessar.

### Criminal Appeal No. 76 of 2020

Appellant Babar Ali : Through Mr. Abdul Hafeez Sandhu, Advocate.  
State : Through Mr. Zahoor Shah D.P.G, Sindh, for the State.  
Complainant : Through Mr. Fida Hussain, Advocate  
Date of hearing : 04.02.2021  
Date of Order : 04.02.2021

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### ORDER

Muhammad Saleem Jessar, J- Appellant Babar Ali Solangi son of Gul Hassan was tried and convicted in Sessions Case No.1708/2016, Re: State v. Babar Ali, arising out of *Crime No.336/2016 of P.S Shahrah-e-Faisal, Karachi*, registered for offences punishable under Section 365/302/201 P.P.C, vide judgment dated **24.12.2019**, passed by learned 1<sup>st</sup> Additional Sessions Judge, Karachi (East), whereby the appellant was convicted and sentenced to life imprisonment was also directed to pay compensation of Rs.1 Million to legal heirs of deceased and in default thereof to suffer S.I for six months more.

2. Appellant Babar Ali, against his conviction and sentence, filed instant appeal. However, during pendency of the appeal, the appellant entered into compromise with legal heirs of deceased and such applications in terms of Sections 345(2) and 345(6) Cr.P.C. were moved, which were sent to learned trial Court, for enquiry as to verify the legal heirs of the deceased as well as genuineness or otherwise of compromise between the parties.

3. The learned trial court submitted report dated 26.01.2021, which is available with the file. In its report, the learned trial Court has mentioned that during course of enquiry reports with regard to legal heirs of deceased from concerned SHO and NADRA authorities were called. The learned trial Court has further mentioned that during enquiry proceedings, statements of major legal heirs of deceased were recorded, who affirmed the fact of compromise between them.

4. Moreover, according to report of the trial Court, deceased had left in all ten legal heirs, namely, Wali Ahmed Sheikh (Father), Mst. Yasmeen (mother), Nadeem Ahmed (Brother), Shehzad Ahmed (Brother), Imran Ali (Brother), Said Ali (Brother), Mst. Shazia Azhar (Sister), Mst. Nazia Hanif (Sister), Mst. Sofia Atif (Sister) and Mst. Alia Altaf (Sister).

5. All the major legal heirs of deceased also appeared before this Court and categorically stated that they have pardoned the appellant in the name of Almighty Allah, and waived off their right of "*Qisas & Diyat*".

6. Legal Heirs of the deceased, namely, Imran Ali having CNIC 42301-5837110-9, Mast. Yasmeen having CNIC 42201-0397875-4 and Wali Muhammad Shaikh having CNIC 42301-6747507-3, are present before the Court and affirm the contention of compromise effected between them as well as accused/appellant.

7. Learned counsel for the appellant submits that the offence is compoundable, the compromise effected between the parties is genuine one, therefore, they may be allowed to live peacefully by maintaining law and order as well as tranquility within the vicinity.

8. Learned D.P.G appearing for the State as well as counsel for the complainant, in view of above, have recorded heir no objection, if listed applications are allowed.

9. Since, legal heirs of the deceased present in person, affirm the compromise effected between them as well as accused/appellant, therefore, there will be no impediment to allow the same with the appellant. As, the report furnished by the trial Court reveals that compromise between the parties appears to be voluntary, genuine and without any duress or coercion, therefore, permission to compound the offence is accorded to the parties, and in result whereof compromise

between the parties is hereby accepted and appellant Babar Ali Solangi son of Gul Hassan is acquitted of the charge in terms of compromise. The appellant is confined in Central Prison, Karachi. He shall be released forthwith, if his custody is no longer required by the jail authorities in any other custody case.

10. The instant appeal alongwith listed applications stand disposed of in the above terms.

**JUDGE**

Zulfiqar/PA