

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Jail Appeal No.S – 121 of 2011

Date	Order with Signature of Hon'ble Judge
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For hearing of case

- 1. For orders on MA No.6518/2019
- 2. For orders on MA No.6419/2019
- 3. For orders on MA No.1004/2016

20.12.2019

Mr. Aijaz Ali Puno associate of Mr. Rukhsar Ahmed M.Junejo Advocate for the appellant
Mr. Aftab Ahmed Shar, Additional PG for State
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The listed Miscellaneous Application under Section 345(2) Cr.P.C has been filed by the appellant Muhammad Siddique Chachar as well as the legal-heirs of deceased Haji Hakim Chachar namely Khair Muhammad, Mst. Heran, (father & mother) and Mst. Sahib (ex-wife of deceased), seeking permission for compounding the offence under Sections 302 & 324 PPC. In support thereof, the legal heirs namely Khair Muhammad, Mst. Heran and Mst. Sahib have filed their affidavits. In their affidavits, they have stated that they have compromised and pardoned the appellant on the intervention of nekmards and waived off their right of Diyat, Bald-e-Sulah and compensation etc. This Court referred the said compromise to the learned trial Court for comprehensive report regarding authenticity of compromise affected between the parties.

- 2. The learned trial Court i.e. 1st Additional Sessions Judge Sukkur vide dated 10.08.2016 has furnished such report, wherein is clearly mentioned that deceased Haji Hakim at the time of his death has left two daughters Mst. Makhan alias Sanam and Mst. Aisha. Out of them, Mst. Makhan alias Sanam is married with Ghulam Hyder Chachar, whereas, Mst. Aisha is still minor aged about 14/15 years. The learned trial Court has recorded the statements of legal-heirs namely Khair Muhammad, Mst. Heran (father & mother) as well as Mst. Sahib (ex-wife of the deceased), they have confirmed the fact of compromise affected in between them and the appellant Muhammad Siddique, whereas, Mst. Aisha is still minor.
- 3. On 09.12.2019, all the legal-heirs of deceased Hakim Ali namely Khair Muhammad (father), Mst. Sahib (ex-wife), Mst. Makhan alias Sanam and Baby

Aisha (daughters) and Piyaro (brother), whereas on 16.12.2019 Mst. Heran (mother) appeared and they all recorded their no objection while baby Aisha who is minor now aged about 16 years, she is married also recorded her no objection, therefore, it was ordered that the appellant Muhammad Siddique shall deposit the share of *Diyat* amount in favour of minor baby Aisha before the Accountant of this Court and Accountant shall deposit the same in a profitable scheme in the name of minor baby Aisha, who on attaining the age of majority will be entitled to receive the same.

4. Learned counsel for the appellant submits that the financial position of the appellant is poor, therefore, he cannot arrange to deposit the *Diyat* amount of Rs.6,09,166.25 in lump sum, therefore, under Section 331 P.P.C, the appellant may be allowed to deposit the share of minor baby Aisha in easy equal installments within a period of five years. Learned Additional PG appearing for the State recorded no objection for payment of *Diyat* amount in easy equal installments as proposed by the learned counsel for the appellant.

5. In view of the above, the application u/s 345(2) Cr.P.C is allowed and the parties are permitted to enter into compromise. The total share of the minor Aisha is Rs.6,09,166.25. The appellant is directed to deposit share of *Diyat* amount of the minor Baby Aisha in sixty equal installments of Rs.10152.76 each within 60 months with the Accountant of this Court, who shall deposit the same in a profit scheme to be paid to the minor baby Aisha on attaining the age of majority. The appellant is directed to deposit the first installment within three days, whereas, the remaining installments shall be paid upto 10th of the every calendar month commencing from 01.01.2020. After depositing of the first installment, the office is directed to issue the release writ of the appellant. Consequently, the application u/s 345(6) Cr.P.C is allowed and appellant is acquitted. The instant CrI. Jail Appeal stands disposed of along with pending applications in the above terms.

Judge