

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

Criminal Appeal No.S-333 of 2019

Date of hearing: 01.04.2022
Date of Judgment 01.04.2022

Appellants : Asad and Gul Muhammad
Through Mr. Muhammad Jamil Ahmed,
Advocate

The State : Through Mr. Shahzado Saleem Nahiyoan,
Additional Prosecutor General

JUDGMENT

SALAHUDDIN PANHWAR, J.- Through listed application viz. MA No.1551 of 2022, the parties have prayed to accord permission to compound the offence under Section 345(2) Cr.P.C as well through application i.e. MA No. 1552 of 2022 appellants have prayed for acquittal under Section 345 (6) Cr.P.C, who through impugned judgment dated 25.10.2019 passed by learned Additional Sessions Judge-I / Model Criminal Trial Court, Mirpurkhas in Sessions Case No.164 of 2018 emanated from Crime No.77 of 2018, registered at Police Station Digri, under Sections 302, 114, 34 PPC, were convicted and sentenced to undergo imprisonment for life as Ta'zir and to pay Rs.200,000/- (Rupees One Hundred Thousand) each as compensation to the legal heirs of deceased namely Sikandar Ali and in case of failure of non-payment of compensation, to suffer S.I for one year more.

2. In order to ascertain the genuineness of the compromise between the parties, the compromise applications were sent to the trial Court for inquiry into the matter. The learned trial Court vide its letter dated 15.03.2022 has reported that in compliance of the order of this Court, statements of the legal heirs of deceased namely Ghulam Rasool (father), Mst. Zarina (mother) and Muhammad Anwar (brother) were recorded and besides Mst. Sughran is also legal heir of the deceased. The legal heirs of the deceased have categorically stated that they have pardoned the accused in the name of Almighty Allah and waived the right of Qisas as well recorded their no objection if the appellants are acquitted from the charge. The learned trial Judge has also called reports from concerned Mukhtiarkar, SHO and NADRA regarding legal heirs of deceased, who in their respective reports have also mentioned the said legal heirs of the deceased. Record reflects that publication for inviting objections from the interested persons with regard to compromise between the parties was made in daily newspaper Kawish dated 09.03.2022 but nobody came forward to raise any objection before the trial Court.

3. Mr. Shahzado Saleem Nahiyoon, the learned A.P.G. Sindh, has also extended his no objection on the plea that the offences alleged against the appellants are compoundable.

4. In view of the report submitted by the trial Court as well keeping in view the cordial relations and harmony between the parties in future, the permission to compound the offences is allowed under Section 345 (2) Cr.P.C. Resultantly, the appellants are acquitted of the charge under section 345 (6) Cr.P.C. Both the

appellants namely Asad and Gul Muhammad are ordered to be released forthwith if not required in any other custody case. Accordingly, appeal stands disposed of alongwith listed applications.

JUDGE

Shahid