

**JUDGMENT SHEET**  
**IN THE HIGH COURT OF SINDH,**  
**CIRCUIT COURT, HYDERABAD.**

**Cr. Appeal No.S-418 of 2019**  
**Cr. Jail Appeal No.S-430 of 2019**

Appellant Ghulam Ali : Through Mr. Muhammad Ishaque  
S/o Ali Muhammad alias Khoso, Advocate  
Ali Mallah

The State: : Through Mr. Muhammad Ali  
Noonari, Deputy Prosecutor  
General, Sindh

Date of hearing : 31.10.2022  
Date of judgment : 31.10.2022

**J U D G M E N T**

**Muhammad Saleem Jessar, J.** Through Miscellaneous Application bearing No.MA No.2289 of 2022, the parties have prayed to accord permission to compound the offence under Section 345(2) Cr.P.C and through application bearing MA No.2290 of 2022 they have prayed for acquittal of the appellant under Section 345 (6) Cr.P.C, who vide impugned judgment dated 06.12.2019, passed by learned Ist Additional Sessions Judge/Model Criminal Trial Court, Badin, in Sessions Case No.06 of 2018 (The State v. Ghulam Ali), arising out of Crime No.12 of 2018 registered at Police Station Rajo Khanani, under Section 302 PPC, was convicted and sentenced to undergo imprisonment for life and to pay Rs.500,000/- (Rupees Five Lacs) as compensation to the legal heirs of deceased Ali Akbar in terms of Section 544-A Cr.P.C; in default thereof, to undergo simple imprisonment for one year more.

2. The compromise applications are supported with the affidavits of complainant / father of the deceased namely, Qasim alias Laloo, legal heirs of deceased namely Mst. Hajira (mother) and Mst. Najma (widow). All the legal heirs of the deceased as well complainant have raised their no objection for acquittal of the appellant by stating that they have entered into compromise with

them due to intervention of nekmards outside the Court and waived their right of Qisas and Diyat in order to maintain good relations. All these three major legal heirs of deceased are also present before the Court alongwith minor legal heirs and reiterates the contents of their compromise mentioned in the listed applications as well their respective affidavits.

3. In order to ascertain genuineness of the compromise between the parties, the compromise applications were sent to the trial Court for thorough inquiry into the matter. The learned trial Court vide its letter dated 14.06.2022 has reported that in compliance of the order of this Court, statements of the legal heirs of deceased Ali Akbar namely, Qasim alias Laloo (complainant / father of deceased), Mst. Hajira (mother of deceased) and Mst. Najma (widow of deceased) were recorded. Besides, deceased has left behind him four minors i.e. Gul (son), Raqaya @ Rukhsana (daughter), Soni (daughter) and Yasmin (daughter), all aged in between 4 to 8 years. The major legal heirs of the deceased in their statements, have categorically stated that they have pardoned the accused in the name of Almighty ALLAH and waived the right of Qisas; however, subject to payment of Diyat amount in favour of above named minors and therefore they have recorded no objection if the appellant is 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 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" vide its issue dated 22.04.2022 but nobody came forward to raise any objection before the trial Court.

4. Learned Counsel for appellant submits that major legal heirs of the deceased have waived off their share of Diyat in favour of appellant; however, the appellant through his father namely Ali Muhammad has transferred 03-00 acres of agricultural land out of Survey No.270 of Deh Chhachhri, Tapo Wasi Aadil, Taluka Talhar of District Badin, valuing Rs.28,00,000/- (Rupees Twenty Eight Lacs) in favour of above named minor legal heirs through their Mother / Guardian namely Mst. Najma (the widow). The attested

Photostat copy of Sale Deed of the property alongwith Record of Rights and Deh Form No.VII vide entry No.197 dated 05.09.2022 have been placed on record. Learned Counsel further submits that appellant has transferred the property in favour of minors which is equivalent to the amount of Diyat of minors i.e. Rs.24,00,000/- (Twenty Four Lacs).

5. Learned D.P.G Sindh, who is present in Court in connection with other cases while waiving notice of compromise applications has also extended his no objection on the plea that the offence is compoundable.

6. Since the offence(s) is / are compoundable, hence, there is no impediment for grant of compromise and acquittal of the appellant as the legal heirs of deceased have pardoned the appellant in the name of Almighty ALLAH; however, subject to payment of Diyat amount in favour of minors, which has been done in the present case in the shape of aforesaid agricultural land. Therefore, in order keep 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, appellant is acquitted of the charge under Section 345(6) Cr.P.C. Since the aforesaid property in lieu of Diyat amount has been transferred in favour of minors, which as per learned Counsel is equivalent to the share of Diyat amount of minors; therefore, same shall be verified by the Accountant of this Court and thereafter release writ of appellant shall be issued by the office; however, subject to verification of property documents.

7. In view of above, instant Criminal Appeal No.S-418 of 2019 alongwith Criminal Jail Appeal No.S-430 of 2019 which was filed by appellant from jail, stands disposed of along with listed applications in the terms stated above.

JUDGE

Shahid