

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Cr. Appeal No.S-22 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For hearing of MA-5084/2023.
2. For hearing of MA-5085/2023.

15.09.2023.

Mr. Muhammad Ayoub Laghari, Advocate for appellant alongwith appellant (on bail).

Mr. Muhammad Jameel Ahmed, Advocate for complainant.

Mr. Siraj Ahmed Bijarani, Assistant P.G.

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ARSHAD HUSSAIN KHAN, J.- Through this appeal, appellant has impugned the judgment dated 27.02.2019 passed by learned Ist Additional Sessions Judge, Mirpurkhas in Sessions Case No.86 of 2018 arising out of Crime No.31 of 2018 registered at P.S Kot Ghulam Muhammad, under Sections 279, 320, 337-G, 427 PPC, whereby he has been convicted and sentenced to suffer R.I for one year for offence u/s. 279 PPC, to suffer R.I for three years for offence u/s. 320 PPC and to pay Diyat amount to the legal heirs of deceased Jairamdas at the prevalent rate and to suffer R.I for one year for offence u/s. 427 PPC with benefit of Section 382-B Cr.P.C. The sentences awarded to the appellant were ordered to run concurrently.

2. During pendency of instant appeal, appellant as well as complainant and legal heirs of deceased have jointly filed listed compromise applications, which were sent to the trial Court for inquiry in order to ascertain genuineness of the compromise between the parties. The learned trial Court inquired into the matter by calling reports from concerned Mukhtiarkar and SHO as well as making publication in a newspaper regarding legal heirs of deceased and after such inquiry has sent Report to this Court vide letter dated 28.08.2023 in which following persons have been shown as legal heirs of the deceased:-

Sr.No.	Name of L.Rs of deceased	Relationship with deceased	Age
1.	Teerath Das	Son	31 years
2.	Ravi	Son	22 years
3.	Preetam Das	Son	27 years
4.	Karan Kumar	Son	18 years
5.	Sht. Sapna	Daughter	23 years
6.	Sht. Essri	Widow	50 years

3. The report also reflects that statements of the above legal heirs of the deceased were recorded whereby they have unanimously stated that due to intervention of their *Nekmards* of the locality they have patched up the matter with the accused / convict in the name of their creator and have waived off their right of Qisas and Diyat and further they have no objection if the appellant is acquitted of the charge.

4. Learned A.P.G and learned Counsel for the complainant have tendered their no objection to the grant of compromise applications.

5. In view of the above, it is observed that the compromise entered into between the parties appears to be genuine, lawful and without any pressure or coercion from any side. Complainant and all the legal heirs of the deceased due to intervention of *Nek Mards* of the locality have pardoned the appellant in the name of Allah almighty and they do not claim any compensation from the appellant in lieu of this compromise. Therefore, keeping in view the cordial relations between the parties in future, the compromise application under Section 345(2) Cr.P.C (MA No.5084 of 2023) is hereby granted and application under Section 346(6) Cr.P.C (MA No.5085 of 2023) is accepted. Consequently, appellant Muhammad Boota son of Inayatullah Jat is acquitted of the charge. He is present on bail, his bond stands cancelled and surety is hereby discharged.

The Appeal is disposed of accordingly.

JUDGE

Shahid

