

**THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
**CrI. Appeal No.S- 69 of 2022**

Date of hearing	Order With Signature Of Judge.
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**Hearing of Case**

1. For hearing of MA 7571/2023
2. For hearing of MA 7704/2023
3. For hearing of MA 7705/2023
4. For hearing of MA 4347/2023
5. For regular hearing.

M/s Shahab Sarki, Syed Zafar Ali Shah and Athar Hussain Abro, Advocates for the appellants.

Mr. Ubedullah Ghoto, Advocate for the complainant.

Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

Date of Hearing & Order: **19-02-2024**

**ORDER**

**MUHAMMAD IQBAL KALHORO J.-** During pendency of appeal, appellants and legal heirs of deceased have filed applications in terms of sections 345(2) and 346(6) CrPC (MAs-7571 & 7704 of 2023) so also application (MA-7705 of 2023) moved by Mst. Sehat Khatoon for her appointment as Wali on behalf of minors, namely, Saweera, Farman Ali, Muhammad Sheeraz being her daughter and sons. Vide order dated 11.12.2023, compromise applications were sent to the trial Court for ascertaining legal heirs and genuineness of compromise and submitting such report.

2. Learned Additional Sessions Judge-III, Ghotki has submitted a report dated 24.01.2024, wherein he has disclosed that major legal heirs of deceased Manzoor Ali alias Manzoor Ahmed were examined by him, who in their statements have voluntarily, without any fear, pressure or any inducement forgiven the appellants in the name of Almighty ALLAH and waived their right of Qisas and Diyat and in lieu of compromise, they have also not received the hand of any girl from appellants. However, as Sawera, Farhan Ali and Muhammad Sheeraz were found minors, the application for appointing of their Wali was filed, which is allowed by consent and accordingly Mst. Sehat Khatoon being their mother is appointed as Wali.

3. Today, Mst. Sharma (mother), Mst. Sehat Khatoon (widow) and Mst. Saima (daughter) of deceased and all the minors/legal heirs of deceased have appeared before this Court and admitted their signatures/thumb impressions on their affidavits and contents of the same. They have further stated to have voluntarily forgiven the appellants in the name of Almighty ALLAH without any coercion, compulsion or inducement and waived their right of Qisas and Diyat and recorded no objection to the acquittal of appellants. Mst. Sehat Khatoon, the Wali of minors has also stated on oath to have forgiven the appellants in the name of Almighty Allah and waived the right of Qisas on behalf of her three minors.

4. Pursuant to order dated 12.02.2024, the Accountant has submitted report determining the share of Diyat amount of each minor legal heir, which is accumulated to be Rs.3,989,039.38 of all minors in terms of latest Notification dated 4<sup>th</sup> September, 2023, issued by the Government of Pakistan, Finance Division.

5. In view of above circumstances, learned counsel appearing on behalf of complainant and learned Deputy P.G for the State have recorded no objection to the grant of permission to compound the offence and on the basis of which to acquit the appellants.

6. I have carefully heard the learned counsel for parties, perused the impugned judgment, compromise applications and report of the trial Court regarding genuineness of compromise between the parties. In my humble view and looking to the circumstances of this case on the basis of report of learned trial Court, the compromise arrived at between the parties is voluntary and genuine. It appears that *prima facie* ingredients of section 311 PPC are not attracted in the instant case. Accordingly, for better relations between the parties in future, the compromise applications are accepted. Appellants Aqeel Ahmed, Qadir Bux, Shakeel Ahmed, Allah Dewayo, Khalid Hussain, Muhammad Ayoub, Abdul Hameed alias Hameedullah, Shabir Ahmed and Ali Nawaz all by caste Sanghar are acquitted of the charge on the basis of compromise. They shall be released forthwith subject to deposit of Diyat amount of Rs.3,989,039.38 of three minors, namely, Sawera, Farhan Ali and Muhammad Sheeraz so also

compensation amount, as determined by the trial Court, with the Accountant of this Court, if not required in any other custody case. Upon deposit of Diyat and compensation amount to the extent of minors, the Accountant shall invest the same in any profitable bearing government scheme for the ultimate benefit of the minors, who shall be entitled to receive the said amount along with profit on being attaining the age of majority. Whereas, amount of compensation to the extent of major legal heirs of deceased shall be released to them after due formalities.

7. The Crl. Appeal along with listed applications is accordingly **disposed of** in the above terms.

**JUDGE**

Ahmad