

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

CrI. Misc. Application No.S-02 of 2024

(Abdul Aziz and another Vs. The State & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For Orders on office objection.
2. For Orders on MA No. 53/2024 (Ex./A)
3. For hearing of main case.

21-03-2024.

Mr. Manzoor Hussain Narejo, advocate for the applicant.

1. Over ruled.
2. Granted subject to all just legal exceptions.
3. The facts in brief necessary for disposal of instant CrI. Misc. Application are that the applicants being condemned prisoners filed an application for their acquittal by way of compromise, it was dismissed by learned Judge, Anti-Terrorism Court, Sukkur vide order dated 12-09-2008, it was challenged by filing a CrI. Revision Application, it was also dismissed by this Court vide order dated 25-01-2011. Subsequently, another application was filed by the applicants again for their acquittal or alteration of their death sentence into life, it was again dismissed by learned trial Court vide order dated 07-10-2015. It was impugned by the applicants by preferring a CrI. Misc. Application, it was also dismissed by this Court for non-prosecution vide order dated 12-09-2018, it was not sought to be recalled or vacated by filing any application. Instead the applicants have filed the instant CrI. Misc. Application u/s 561-A Cr.P.C with lapse of six years even after dismissal of their earlier application by this Court.

It is contended by learned counsel for the applicant that all the previous orders passed by this Court and learned trial Court being illegal are to be set aside; consequently the applicants are to be released by way of compromise. In support of his contention, he relied upon case of *Muhammad Nawaz Vs. The State (PLD 2014 SC 383)*.

Heard arguments perused the record.

Offence u/s 6(2)(n) of Anti-Terrorism Act, 1997 is established against the applicants. Section 7 of Anti-Terrorism Act, 1997 has its own implication and is not compoundable. In these premises, learned trial Court was right to dismiss the applications of the applicants for their acquittal by way of compromise at least to the said Penal section. No illegality is noticed in the impugned order, which may justify this Court to interfere with the same, which as said above was maintained even by this Court by dismissing the earlier application of the applicants for non-prosecution.

In case of *Muhammad Nawaz (supra)* the compromise between the parties was accepted only to the extent of conviction u/s 302 (b) PPC. The conviction against the applicants' u/s 7 of Anti-Terrorism Act, 1997, however was converted into life by accepting their review petition. In the instant case no review petition of the applicants is pending before this Court.

In view of facts and reasons discussed above, the instant Crl. Misc. Application fails, it is dismissed in limine, which even otherwise is hit by laches miserably.

JUDGE

JUDGE

Nasim/P.A

