

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

***CrI. Jail Appeal No.S-07 of 2020***

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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1. For orders on M.A. No.1587/24 (U/A)
2. For orders on M.A. No.283/24 (345(6) Cr.P.C)
3. For orders on M.A. No.107/24 (345(2) Cr.P.C)
4. For orders on M.A. No.116/24 (426 Cr.P.C)
5. For hearing of main case.

**01.04.2024**

Mr. A.R. Faruq Pirzada, Advocate for appellants.  
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

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**ORDER**

01. Learned Counsel pleads urgency which is hereby disposed of.

02. The appellants ***Ali Sher son of Hazoor Bux Jatoi and Jawaid son of Ali Sher Jatoi*** have impugned judgment dated 22.01.2020 passed by Additional Sessions Judge-I/MCTC, Sukkur in Sessions Case No.36 of 2018 arising out of Crime No.**36 of 2018** Police Station, Qadirpur whereby trial Court convicted them for committing Qatl/murder of deceased namely, Ashfaqe Ahmed and Muhammad Younis and sentenced them to 'Life Imprisonment' as Ta'zir U/s 302(b) PPC. They were also directed to pay fine of Rs.500,000/- each (*Rupees Five lacs*) as compensation to the legal heirs of the deceased, as provided u/s 544-A Cr.P.C.

03. During pendency of this appeal, the legal heirs of both the deceased, namely, Ashfaqe Ahmed and Muhammad Younis and appellants moved applications under Sections 345(2) and 345(6) Cr.P.C alongwith proforma.

04. The aforesaid applications were ordered to be sent to the I-Additional Sessions Judge/MCTC, Sukkur (trial Court) vide order dated 29.01.2024 in order to verify the legal heirs of the deceased, record their statements and submit report to this Court about genuineness of the compromise.

05. The report sent by I-Additional Sessions Judge/MCTC, Sukkur dated 22.02.2024 reveals, after calling reports from concerned quarters and conducting inquiry. The statements of legal heirs recorded wherein they have supported the compromise application and their affidavits as well. The trial Court further stated that in their statements they/(LRs) clearly stated that they have forgiven the accused/appellants Ali Sher and Jawaid Jatoi in the name of Almighty Allah and waived their right of Qisas and Diyat. The trial Court in its report has further emphasis that six legal heirs came-up from report of NADRA. Today all the six legal heirs namely, Ahmed Din, Atta Muhammad, Mst. Munawar Khatoon, Mst. Shafiyat, Mst. Rukiyat and Mst. Hakeema appeared and they have also filed their respective affidavits by submitting that they have compromised with the appellants and forgiven them in the name of Almighty Allah and waived their right of Qisas and Diyat, however, the trial Court came to the conclusion that the compromise arrived at between the parties is without any duress/compulsion and is genuine and voluntarily.

06. Learned Counsel for appellants submits that offence is compoundable, therefore, appellants may be acquitted as the parties have patched-up outside the Court.

07. Heard arguments of counsel for parties and perused the record.

08. As all the aforesaid legal heirs have forgiven to the appellants/accused namely, Ali Sher and Jawaid Jatoi in the name of Almighty Allah and waived their right of Qisas and Diyat, therefore, the permission to compound the offence is accorded and compromise arrived at between the parties is hereby accepted.

09. In view of above, applications (M.A No.283/2024 and M.A No.107/2024) filed by appellants Ali Sher and Jawaid Jatoi *in Crl. Jail Appeal No.S-07 of 2020* are allowed and accused/appellants namely, Ali Sher and Jawaid Jatoi are hereby acquitted by way of compromise U/s 345(6) Cr.P.C. The appellants are in jail they shall be released forthwith, if their custody is no longer required in any other custody case.

The captioned Crl. Jail Appeal No.S-07 of 2020 stands disposed of alongwith listed applications.

**JUDGE**

*Ihsan/\**

