

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

**Crl.Appeal No. S – 45 2021.**

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| Date | Order with signature of Judge |
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- 1.For orders on M.A 602/2024.
- 2.For orders on M.A 603/2024.
- 3.For Hearing of M.A 3076/21
- 4.For Hearing of main case.

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**01.04-2024.**

Mr.Achar Khan Gabole Advocate for appellants.  
Mr.Shabeer Ali Bozdar Advocate for compaliannt.  
Mr.Shafi Muhammad Mahar DPG.

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**ORDER.**

**ZULIFQUAR ALI SANGI, J-** Appellants Rashid Ali, Javed Ali and Anwar Hussain have impugned judgment dated 31.05.2021 passed by the learned additional Sessions Judge, Mirwah in Sessions Case No.112/2021 arising out of Crime No.116/2020 P.S Mirwah, District Khairpur whereby the learned trial Court convicted them for imprisonment for life under Section 302 (b) r/w Section 337-J, PPC and to pay compensation of Rs.10,00,000/- payable jointly to the legal heirs of deceased.

2 During the pendency of this appeal, the legal heirs of deceased and the appellants moved applications under Sections 345(2) and 345(6) alongwith the Proforma.

3. The aforesaid applications were ordered to be sent to the trial Court (Ist Additional Sessions Judge, Mirwah) in order to verify the legal heirs of the deceased, record the statements of the legal heirs of deceased and he was also required to submit report to this Court about the genuineness of the compromise.

4. As per report sent by the learned trial Court on 13.03.2024 where the reports were called from SHO Police Station, Mirwah, Mukhtarkar (Revenue), Mirwah, Secretary Union Council, Mirwah, and family tray of deceased Mst.Abida from NADRA, those reports were placed on record and inquiry was conducted and the learned trial Court came to the conclusion that the deceased has left the legal heirs namely Shamsuddin (father) and Qasar Khatoon (mother). The statements of the aforesaid legal heirs of deceased Mst.Abida were recorded whereby they have supported the contents of compromise application stating that they have patched-up the matter with the accused/appellants outside the Court on Holly Qur'an and they have forgiven the appellants in the name of Almighty Allah and waived their right of Qisas and Diyat. The trial Court came to the conclusion that the compromise arrived at between the parties is genuine and voluntarily.

5. Learned counsel for the complainant and learned DPG appearing for the State contended that in view of the report submitted by the learned trial Court, the compromise arrived at between the parties is genuine therefore, they have no objection for the acceptance of this compromise application.

6. Since all the aforesaid legal heirs have forgiven to the appellants/accused Rashid Ali s/o Ghazi Khan, Javed Ali s/o Ghazi Khan and Anwar Hussain s/o Shah Muhammad in the name of Almighty Allah and waived their right of Qisas and Diyat, therefore the permission to compound the offence is accorded and the compromise arrived at between the parties is hereby accepted.

7. In view of above, the applications are allowed and appellants/accused Rashid Ali, Javed Ali and Anwar Hussain are acquitted under Section 345(6), Cr.P.C. The appellants

are in Jail, they shall be released forthwith if not required in any other case.

CrI.Appeal No. S - 45 of 2021 stands disposed of in above terms.

JUDGE

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