

(7)

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Jail Appeal No.S-89 of 2013

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE.
26.10.2020.	

1. For hearing of M. A. No.3969/2020.
2. For hearing of M. A. No.3970/2020.
3. For hearing of Main Case.

Mr. Abdul Hakeem Brohi, advocate for the appellant.
Mr. Ali Anwar Kandhro, Additional Public Prosecutor.
Legal heirs Allah Ditto and Mst. Darya Khatoon of deceased Din Mohammad.

Appellant Imamuddin son of Rasool Bux Sunani was tried by the learned Sessions Judge, Kamber-Shahdadkot at Kamber, in Sessions Case No.261/2008, re The State vs. Imamuddin Sunani, arising out of Crime No.41/2001, registered at Police Station Sijawal, for offences under Sections 302, 337-H(2), 148, 149, PPC. After regular trial, vide judgment dated 30.11.2013 appellant was convicted for offence under Section 302(b), PPC and sentenced to imprisonment for life and to pay compensation of Rs.10,00,000/- (Rupees Ten Lac) or in default thereof to suffer S.I. six months more. If the fine is recovered, the same was directed to be paid to the legal heirs of deceased in terms of Section 544-A, Cr.P.C. Appellant was also convicted under Section 148, PPC and sentenced to for one year R.I. Appellant was extended benefit of Section 382-B, Cr.P.C.

Appellant preferred appeal against his conviction and sentence recorded by the trial Court. The same was admitted for regular hearing by this Court vide order dated 20.01.2014. During the pendency of the appeal, compromise applications were filed by the parties. Compromise applications were sent to the trial Court vide order dated 01.10.2020, with directions to conduct an enquiry and after completion of all the codal formalities furnish its report before this Court. Report of the trial Court dated 22.10.2020 is received, in which it is mentioned that surviving legal heirs of deceased Deen Mohammad are his parents i.e. Allah Ditto (father) and Mst. Darya Khatoon (mother). It is further stated in the report that none else objected to the compromise application despite publication in daily "Awami Awaz" dated 14.10.2020. Trial Court has further mentioned that legal heirs of deceased Deen Mohammad



clearly stated that they have voluntarily forgiven accused Imamuddin Sunani in the name of Almighty Allah without getting any *Diyat* or compensation and waived the right of *Diyat* against accused Imamuddin only. Today both legal heirs, namely, Allah Ditto and Mst. Darya Khatoon, parents of deceased, voluntarily appeared before this Court and stated that they have forgiven the accused in the name of Almighty Allah. This Court is satisfied that compromise of the legal heirs of the deceased with present appellant is genuine and without any compulsion from any corner. Offence under Section 302, PPC is compoundable. Learned Addl. P.G. has also recorded no objection. Trial Court after completion of all the legal formalities has also come to the conclusion that legal heirs of deceased have forgiven the appellant in the name of Almighty Allah and they do not claim compensation or *Diyat* from the accused/appellant.

In the view of above, as the offence is compoundable, the permission to enter into the compromise is allowed for better relations between the parties in future. Resultantly, compromise application is allowed. Appellant Imamuddin son of Rasool Bux Sunani is acquitted by way of the compromise under Section 345(6), Cr.P.C. He be released forthwith, if he is not required in some other case. So far the case of absconding accused is concerned, trial Court shall proceed against the absconding accused in accordance with law.

Consequently, appeal filed by appellant Imamuddin Sunani is disposed of in above terms.



26.10.2020
JUDGE