

**THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
**Crl. Appeal No. S- 99 of 2021**  
**Crl. Appeal No. S- 104 of 2021**

Date of hearing	Order With Signature Of Judge.
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1. For hearing of MA 197/2023
2. For hearing of MA 198/2023
3. For hearing of MA 199/2023
4. For regular hearing.

Mr. Shabbir Ali Bozdar, Advocate for appellants in both appeals.  
Mr. Shafique Ahmed Laghari, Advocate for complainant.  
Mr. Aftab Ahmed Shar, Additional P.G for the State.

Date of Hearing & Order: **15-12-2023**

**ORDER**

**MUHAMMAD IQBAL KALHORO J.,-** During pendency of listed appeals, appellants Afaq Ali and Sajjad Ali Shah (*Crl. Appeal No.S-99 of 2021*) and Akhtiar Hussain Shah (*Crl. Appeal No.S-104 of 2021*) and legal heirs of deceased have filed applications in terms of sections 345(2) and 346(6) bearing MAs-197 & 198 of 2023 so also application (MA-199 of 2023) moved by Mst. Hazooran for her appointment as Wali on behalf of minors, namely, Dhani Bakhsh, Zaheer Ahmed and Naseem Ali. Vide order dated 11.01.2023, compromise applications were sent to the trial Court for ascertaining legal heirs and genuineness of compromise and submitting such report.

2. Learned trial Court vide letter dated 10.02.2023, has stated that he called reports from concerned quarters regarding legal heirs of deceased Mumtaz and in their reports, only three legal heirs namely, Dhani Bux, Zaheer Ahmed and Naseem Ali are mentioned being sons of deceased. He has further submitted that legal heirs appeared before him and recorded their statements which have been submitted alongwith report. In their statements, legal heirs have forgiven the appellants in the name of Almighty ALLAH and waived their right of Qisas and Diyat.

3. As it has come on record that Dhani Bux, Zaheer Ahmed and Naseem Ali are minors and application for appointing of Wali has already

been filed, the same is allowed by consent of the parties and Mst. Hazooran being mother of minors is appointed as their Wali.

4. Today, Mst. Hazooran (widow), Mst. Zaheeran, Mst. Ameeran, Mst. Muneeran, Mst. Shahzadi, and Mst. Shahmeeran (daughters) 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. Hazooran, 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 minor sons.

5. Pursuant to order dated 20.11.2023, the Accountant has submitted report determining the share of Diyat amount of each minor legal heir, which is accumulated to Rs.1,075,120-77 of each minor in terms of latest Notification dated 4<sup>th</sup> September, 2023, issued by the Government of Pakistan, Finance Division.

6. In view of above circumstances, learned counsel appearing on behalf of complainant and learned Additional P.G for the State have recorded no objection to the grant of permission to compound the offence and acceptance of permission.

7. 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 about the correctness and genuineness, the compromise arrived at between the parties is voluntary and genuine. Accordingly, for better relations between the parties in future, the compromise applications are accepted and impugned judgment is set aside. Appellants Afaque Ali and Sajjad Ali Shah (*Crl. Appeal No.S-99 of 2021*) and Akhtiar Hussain Shah (*Crl. Appeal No.S-104 of 2021*) are acquitted of the charge. They shall be released forthwith subject to deposit of Diyat amount i.e. Rs.1,075,120-77 each of three minors, namely, Dhani Bux, Zaheer Ahmed and Naseem Ali

by the appellants with the Accountant of this Court, if not required in any other custody case. Upon deposit of Diyat amount, the Accountant shall invest the same in any profitable bearing government scheme for the ultimate benefit of the minor sons of the deceased, who shall be entitled to receive the said amount along with profit on being attaining the age of majority.

**8.** The listed Crl Appeals along with pending applications are accordingly **disposed of** in the above terms. *Office to place a signed copy of this order in captioned connected matter.*

**JUDGE**

Ahmad