

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.**

Cr. Appeal No.S- 77 of 2021.

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DATE OF HEARING

ORDER WITH SIGNATURE OF HON'BLE JUDGE

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- 1.For orders on office objection as flag A.
- 2.For orders on M.A No.146 of 2025.
- 3.For orders on M.A No.147 of 2025.
- 4.For hearing of main case.

**26.3.2025.**

Mr. Muhammad Afzal Jagirani, advocate for the appellant.

Mr. Abdul Rehman Bhutto, advocate for the complainant.

Mr. Aitbar Ali Bullo, D.P.G.

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Appellant Ameer Bux alias Luko S/O Illawaldin alias Achar Banger was convicted and sentenced vide judgment dated 30.10.2021 passed by learned Additional Sessions Judge/MCTC, Kashmore in Sessions Case No.183/2019 Re: State v. Ameer Bakhsh and others, arisen out of FIR no.60/2019 of P.S Buxapur under Section 302, 324, 337-A9i), F(i), 114, 147, 148, 149 PPC, whereby after full dressed trial appellant was convicted and sentenced as under:

- a) U/S 147 PPC R/W Section 149 PPC to suffer R.I for one year.
- b) U/S 147, 148 and 149 PPC to suffer R.I for two years.
- c) U/S 302(c) R/W 149 PPC to suffer R.I for 15 years and pay fine of Rs.100,000/= (One hundred thousands) to legal heirs of deceased in terms of Section 544-A Cr.P.C and in default whereof to undergo S.I for six months. Benefit of Section 382-B Cr.P.C is extended to the accused.

During pendency of appeal appellant has entered into compromise with the legal heirs of deceased Shah Muhammad alias Shan Muhammad as well as injured witnesses and moved such applications under Sections 345(5) and 345(6) Cr.P.C alongwith supporting affidavits of legal heirs of deceased Shah Muhammad alias Shan Muhammad as well as injured witnesses.

Matter was referred to learned trial Court for enquiry in order to determine the genuineness of the compromise arrived at between the parties.

Learned trial Court called report from concerned quarters and examined legal heirs of deceased as well as injured witnesses namely Mst.Mehar Khatoon (widow of deceased), Ghulam Yaseen Allah Khan and Abdul Wahab (sons of deceased), Mst.Sakeena, Mst.Jannat, Mst.Rasheedan Khatoon, Mst.Hameedan, Mst.Thadi, Mst. Zulekhan (daughters of deceased), Muhammad Khan, Sultan Ahmed and Ghulam Abbas alias Nawab ( injured witnesses). Report furnished by the trial Court reveals that legal heirs of deceased as well as injured witnesses have entered into compromise and compromise is genuine and voluntary without any pressure.

Learned counsel for the appellant submits that parties have settled their dispute outside the Court on the intervention of their nekmards of the locality and legal heirs of the deceased have waived their right of Qisas and Diyat as well as injured P.Ws and do not claim any compensation. Compromise reached between the parties is without any pressure and they have buried their differences in order to live with peace and harmony.

Learned counsel for the complainant and D.P.G have also recorded no objection for acquittal in background of compromise applications.

Heard learned counsel for the applicant, D.P.G and perused the material available on record.

Perusal of enquiry report dated 05.3.2025 reflects that learned trial Court after completing all codal formalities has furnished report that compromise reached between the parties is genuine one and same has taken place without any pressure upon legal heirs of deceased Shah Muhamamd alias Shan Muhammad as well as injured witnesses. Report further reveals that all the legal heirs of deceased Shah Muhammad alias Shan Muhammad have waived their right of Qisas and Diyat in the name of Almighty Allah as well as injured P.Ws and they do not claim any compensation and recorded their no objection for acquittal of the appellant.

In view of above, listed applications are allowed. Impugned judgment dated 30.10.2021 passed by trial Court/Additional Sessions Judge/MCTC, Kashmore in Sessions Case No.183 of 2019 re: State v. Ameer Bakhsh alias Luqoo and others arisen out of Crime No.60 of 2019 of P.S Buxapur under Sections 302, 324, 337-A(i), F(i), 114, 147, 148, 149 PPC, is set aside. He shall be released forthwith if not required in any other custody case.

**JUDGE**

Shabir/P.S

