

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Jail Appeal No.S-80 of 2019

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| DATE OF HEARING | ORDER WITH SIGNATURE OF HON'BLE JUDGE. |
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1. For hearing of M.A No.6525/19
2. For hearing of M.A No.6526/19
3. For hearing of main case.

16.05.2022

Mr. Ghulam Murtaza Buriro Advocate for appellants.
 Mr. Qurban Ali Shar Advocate for complainant.
 Mr. Khalil Ahmed Maitlo DPG for State.
 Complainant is present.

ORDER

The appellants Allah Wadhayo son Muhammad Ibrahim, 2. Abdul Majeed son of Muhammad Ismail, 3. Shahmir son of Ali Murad and 4. Muhammad Panjal son of Qaimuddin Zangejo have impugned the judgment dated 20.05.2010 passed by Additional Sessions Judge(Hudood), Sukkur in Sessions Case No.193 of 2003 arising out of Crime No.58 of 2002 registered at Police Station, 'C' Section, Sukkur under Sections 302, 452, 148, 149 PPC, whereby trial Court convicted them for committing Qatl/murder of deceased Ghulam Sarwar and sentenced them to 'Imprisonment for Life' U/s 302(b) PPC (as amended under Q&D) as Ta'zir.

During proceedings appellant No.1 Hussain Bux murdered and proceedings against him were abated vide order dated 13.11.2014.

2. During pendency of this appeal, the legal heirs of deceased Ghulam Sarwar and the appellants moved compromise applications under Sections 345(2) and 345(6) Cr.P.C alongwith proforma.

3. The aforesaid applications were sent to the Additional Sessions Judge (Hudood), Sukkur for verification of the legal heirs of the deceased, record their statements and to submit report to this Court about genuineness of the compromise.

4. In compliance of directions of this Court, Additional Sessions Judge (Hudood), Sukkur has submitted his report dated 20.04.2022 and 11.05.2022 wherein it has been mentioned that he called reports from concerned quarters and upon inquiry has come to the conclusion that the statements of the legal heirs supports the compromise application as well their affidavits sworn in respect thereof. The report also mentioned that legal heirs in their statements have clearly stated that they have forgiven the accused/appellant named above in the name of Almighty Allah and waived their right of Qisas and Diyat. The Trial Court has also come to the conclusion that the compromise arrived at between the parties is genuine and voluntary.

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

6. Learned DPG assisted by Mr. Qurban Ali Shar, Counsel for legal heirs of deceased contended that in view of the report of Additional Sessions Judge (Hudood), Sukkur who has recorded the statements of the legal heirs of the deceased on the compromise arrived at between the parties is genuine therefore, he has recorded no objection for acceptance of this compromise application.

7. From the inquiry report it appears that all the aforesaid legal heirs and complainant have forgiven the appellants/accused named above, as such the permission to compound the offence is accorded and compromise arrived at between the parties is hereby accepted.

8. In view of above, the listed application is allowed and accused/appellants Allah Wadhayo, Abdul Majeed, Shahmir and Muhammad Panjal Zangejo are acquitted U/s 345(6) Cr.P.C. They are present on bail their bail bond stands cancelled and sureties are hereby discharged.

Appeal stands disposed in the above terms.

JUDGE

Ihsan/PS