

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Revision Application No.S-86 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicants: 01. Sikandar Ali S/O Ghulam Rasool
02.Gulsher S/O Kareem Bux both by caste Khaskheli
Through Mr. Muhammad Ali Dayo Advocate.

The State: Through **Mr. Shafi Muhammad Mahar D.PG.**

Date of hearing & order: 02.10.2026.

Suresh Kumar J:- Through instant criminal revision application the applicant/accused Sikandar has impugned the order dated 28.08.2026 passed by learned 3rd Additional Sessions Judge Nauhshro Feroze in Session case No.440/2022 U/Ss 302, 34 PPC (Crime No.24/2022), whereby he has allowed an application filed by the parties under section 345(6) Cr.P.C to the effect the compromise arrived in between the parties but subject to deposit of “Diyat” to the minor legal heirs of deceased in shape of Defense Saving Certificates”. The operative paragraph of the impugned order is reproduced herein under:

“The minor legal heirs of deceased also appeared in court. They also filed their affidavits of no objection. Since the parties have patched up outside the Court and have redressed their grievances due to intervention of Nekmards on Holy Quran and the offence alleged is compoundable hence the application for permission to compound the offence U/S 345(2) Cr.P.C is allowed and both the accused Sikandar Ali and Gulsher Khaskheli are acquitted of the charge U/S 345(6) Cr.P.C subject to depositing the share of minors with the Accountant District Court, Naushahro Feroze, who will invest/purchase the Defense saving certificates in the name of each minor namely 1.Baby Muskan aged about 15 years, as daughter 2. Shahzaib Ali aged about 09 years 3. Samadullah aged about 07 years and 4. Muhammad Ismail aged about 05 years as per their shares. The amount of Diyat as per Notification dated 27th July 2026 is Rs.1,93,52,390/- .”

2. The facts for dispose of instant criminal revision application are that applicant/accused was booked in the afore said case and crime for murder of Nazar Muhammad Khaskheli, However, during trial the legal heirs of deceased entered into compromise which the applicant/accused and filed such application before the learned trial Court which was allowed but subject to deposit of "Diyat" amount to the minor legal heirs of deceased in shape of "Defence Saving Certificates"

3. I have heard learned for the applicant/accused and learned DPG appearing for the State.

4. Learned counsel submits that deceased Nazar Muhammad Khaskheli besides major heirs also left minors 1.Baby Muskan,2. Shahzaib Ali, 3. Samadullah and 4. Muhammad Ismail. He has also contended that the applicants/accused Sikandar and Gulsher are ready to transfer agricultural land bearing survey number 222/B (1-20) & 2223/B(5-13) acres in the names of minors in lieu of saving certificates as "Diyat" amount of Rs.1,93,52,390/- . He has also contended that learned trial Judge has not accepted mode of payment through transfer of agricultural land which is permissible under the law. In this regard he has relied upon the case of Fatahuddin @ Fatoos v. The state (2016 YLR 2781) and unreported order passed by this Court in the case Khamiso v. Habibullah (Cr.Revision Application S-14 of 2018). He has lastly contended that revision may be allowed and the order dated 28.08.2026 may be set aside to the extent that applicant may pay share of Diyat in respect of minor legal heirs of deceased in shape of immoveable property instead of "Defence Saving Certificates".

5. Learned DPG appearing for the State concedes to the submission of learned counsel for applicant.

6. Section 310 PP provides compounding of "Qisas" (Sulh) in qatl-i-amd by an adult sane Wali at any time on accepting badal-i-sulh enabling him to

compound his right or Qisas. This section further provides that where “Badal-i-sulh” is not determined or is property or a right the value of which can not be determined in terms of money under Shariah the right of qisas shall be deemed to have been compounded and the offender shall be liable to “Diyat”. Per explanation given for “Badal-i-sulh” in this section is a mutually agreed compensation according to Sharia to be paid or given by the offender to a Wali in cash or in lieu or in the form of moveable or immoveable property. In this regard reliance is placed upon the order passed by this court in the unreported case of Khamiso v. Habibullah and another (criminal revision application No.S-14 of 2028). Similar view has been taken by the Baluchistan High Court in the case of Fatehuddin @ Fatooh v. The state (2016 YLR 2781) in which it has been pleased to hold as under:

“The determination of the mode of payment for the minor heirs share of Diyat was remitted to the Trial Court, allowing the appellant to seek installments or transfer property in lieu of cash.

Under section 338-E and 331 of the PPC the Court may delegate the determination of Diyat payment for minors to the Trial Court, which has the discretion to authorize installments or property transfer based on equity and prudence.”

7. From the above dictum laid by the Baluchistan High Court that there is no impediment on payment of “Diyat” in form of moveable or immoveable property and it is permissible that the amount of “Diyat” may be paid in cash or in form of moveable or immoveable property as the purpose of Sharia is to safeguard the interest of legal heirs of the deceased.

8. In the instant matter, the applicant/accused is ready to share of “Diyat” amount in respect of minor legal heirs of deceased in shape of immoveable property which can not be refused as there is no impediment on payment of “Diyat” in form of moveable or immoveable property. Accordingly, the instant criminal revision application is allowed and impugned order dated 28.8.2026 passed on application under section 345(6) Cr.P.C is hereby set-aside only to the extent that the applicant/accused may pay share of “Diyat” amount in respect of

minor legal heirs of deceased in shape of immoveable property instead of "Defence Saving Certificate. However, the trial Court shall first ascertain the value of the land (said to have been given to minor legal heirs of deceased) from the concerned revenue officer and if it is found that the value of the land is equal to share of "Diyat" of minors or if it is found that the value of land is less than then share of "Diyat" of minor the trial court in either case shall proceed further in accordance with law. Before proceeding further the trial court shall also ascertain that the land given in lieu of "Diyat" amount stood mutated in the names of minor legal heirs and the trial Court shall also ensure that out put of agricultural land must be utilized through guardian for the welfare of the minors specially for education, health, etc till attaining of majority of minors.

JUDGE