

IN THE HIGH COURT OF SINDH AT KARACHI

CR. APPEAL NO.127 OF 2019

Appellants 1) Muhammad Ayub
2) Habib ur Rehman through
Mr. Jehanzeb Aslam, Advocate

Respondent The State, through Mr.
Muhammad Iqbal Awan, Addl.
Prosecutor General Sindh.

Date of Hearing 21.03.2024

Date of Announcement 27.03.2024

JUDGMENT

Mohammad Karim Khan Agha, J. I have heard the learned counsel for the appellant and learned Addl. Prosecutor General Sindh and perused the record regarding compromise agreement.

2. Learned counsel for the appellant has filed applications u/s.345(4), 345(2) and 345(6) Cr.PC along with no objection affidavit of widow of deceased which was duly sent to the learned trial court for recording statement of the legal heirs and submit its report with regard to its genuineness.

3. Learned trial court has submitted its report dated 04.03.2024 regarding compromise proceedings in respect of legal heirs namely Ayesha wife of Wali Muhammad (Mother), Muhammad Asif son of Wali Muhammad (brother) Mst. Rubina wife of Muhammad Ayub Late (Sister), Muhammad Ishaq son of Wali Muhammad (brother) and Muhammad Farooq son of Wali Muhammad (brother).

4. It appears that at the time when the compromise was filed there were three minors namely Aleeshba aged about 13 years, Haris aged about 10 years and Atif aged about 08 years.

5. Vide order dated 18.03.2024 this Court had directed the Nazir of this Court to work out the Diyat amount to be paid to the aforesaid minors who has filed his report on 19.03.2024 which is available on file whereby he worked out the Diyat amount as Rs.1,190,191.25/- which is to be paid to the minors/legal heirs.

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6. Mr. Jehanzeb Aslam, learned counsel for the appellant has submitted statement and handed over a cheque amounting to Rs.1,191,000/-, dated 20.03.2024 in respect of Diyat amount payable to the minors namely Aleeshba aged about 13 years, Haris aged about 10 years and Atif aged about 08 years. Original cheque is handed over to Nazir Mr. Muhammad Jahangir Khan (who acknowledges safe receipt) who is in Court and is directed to deposit the same into Nazir's account for the minor legal heirs immediately.

7. Leaned Additional Prosecutor General, Sindh has confirmed that the legal heirs of the deceased have entered into the compromise agreement with the accused persons and they have forgiven the appellants in the name of Almighty Allah as per record.

8. In view of above there is no impediment to grant application u/s.345(2) Cr.PC which is allowed. The appellants Muhammad Ayub and Habib ur Rehman are hereby acquitted from the charge under section 345(6) Cr.PC. they shall be released forthwith if they are not required in any other custody cases.

9. The criminal appeal stands disposed of in the above terms along with all pending applications, if any.

Hyder/PA