

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

**Criminal Jail Appeal No.S-20 of 2021**

Appellants: 1. Rehmatullah  
2. Naimatullah both sons of Rasool Bakhsh Khakhrani through Mr. Muhammad Afzal Jagirani, Advocate

Complainant: Jan Muhammad.

The State: Through Mr. Aitbar Ali Bullo, Deputy Prosecutor General, Sindh.

Date of hearing: 11.12.2024

Date of decision: 11.12.2024

**J U D G M E N T**

**SHAMSUDDIN ABBASI, J.:-** This Criminal Jail Appeal is directed against Judgment dated 29.03.2021, passed by learned III-Additional Sessions Judge/MCTC, Larkana, in Sessions Case No.293 of 2020 (*Re- State v/s. Rehmatullah and another*), whereby appellants Rehmatullah and Naimatullah both sons of Rasool Bakhsh Khakhrani were convicted under Section 302(b) P.P.C. Qatl-e-Amd and sentenced to suffer Life Imprisonment as Taa'zir and to pay compensation to the tune of Rs.200,000/- (Rupees Two Hundred Thousands only) each to the legal heirs of the deceased under section 544-A Cr.P.C. In case of default of payment, they shall suffer R.I for six months more. The benefit of section 382-B Cr.P.C. was also extended to the appellants.

2. The appellants preferred instant appeal and during pendency of appeal, the parties have entered into compromise, therefore, they have moved proper applications being M.A.No.7714/2021 under section 345(4) Cr.P.C. and M.A.No.7715/2021 under section 345(5) Cr.P.C. The matter was sent to the trial Court for enquiry as to ascertain the genuineness of the compromise arrived at between the parties. Learned trial Court called reports from the concerned Mukhtiarkar, concerned S.H.O and NADRA. The trial Court has also examined the legal heirs of deceased Muhammad Hashim Mirbahar and recorded their statements and reported that the deceased besides other legal heirs have two minors namely Sher Muhammad and Rukhsana. During pendency of the compromise applications, minors Sher Muhammad and Rukhsana attained the age of majority and they have filed their affidavits to the extent of compromise

alongwith their CNICs. All the legal heirs are present before the Court and they have reiterated the facts mentioned in their affidavits as well as Statements recorded by the trial Court and submitted that the compromise is voluntary and they have forgiven the appellants in the name of Almighty Allah without taking any monetary benefit.

3. Learned counsel for the appellants submits that all the legal heirs of deceased Muhammad Hashim Mirbahar have forgiven the appellants without any compensation and requests that the appeal may be allowed by way of compromise. Learned Deputy Prosecutor General, Sindh has recorded his no objection on the ground that the parties have entered into compromise.

4. It has come on record that the parties have entered into compromise in terms of section 345 Cr.P.C; matter was referred to the learned trial Court for enquiry as to ascertain the genuineness of the compromise arrived at between the parties. Learned trial Court recorded the statements of the legal heirs of the deceased and submitted report that the parties entered into compromise and recorded no objection for acquittal and all the legal heirs of deceased Muhammad Hashim Mirbahar have also filed their affidavits alongwith the applications for entering into compromise. Legal heirs of the deceased have also appeared before this Court and do not claim any Diyat or compensation and submitted that they have forgiven the appellants in the name of Almighty Allah and they have no objection if the appellants may be acquitted.

5. In view of above position, M.A.No.7714/2021 under section 345(4) Cr.P.C. and M.A.No.7715/2021 under section 345(5) Cr.P.C are allowed and the appellants Rehmatullah and Naimatullah both sons of Rasool Bakhsh Khakharani are acquitted by way of compromise. Consequently, instant Criminal Jail Appeal stands disposed of in the above terms. The appellants shall be released forthwith if not required in any other custody case.

**Judge**

*Manzoor*