

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Appeal No.S-29 of 2025

1. For orders on office objection at flag `A`
2. For orders on MA No.3176/2025
3. For orders on MA No.3175/2025
4. For hearing of MA No.1929/2025
5. For hearing of main case

03-7-2025

Mr. Shoaib Niaz Khaskheli, Advocate for the Appellants
Mr. Ammar Ali Shahani, Advocate for complainant
Mr. Muhammad Raza Katohar, Prosecutor General

Muhammad Jaffer Raza, J:- Through captioned criminal appeal, Appellants/accused Lakhmir, Asadullah and Imtiaz Ahmed, all by caste Dharejo, impugned the judgment dated 27.3.2025, passed by learned Additional Sessions Judge-II, Khairpur, in Sessions case No.649/2018 (*Re- The State vs Samaruddin and others*), whereby the learned Judge convicted and sentenced the appellants/accused for offence u/s 302(b) r/w 34 PPC to suffer imprisonment for life as Tazir and to pay an amount of Rs.300,000/- as compensation to the heirs of deceased Abdul Rauf in terms of section 544-A(1) Cr.P.C or in default thereof same shall be recovered under procedure provided u/s 544-A(2) Cr.P.C and suffer S.I for six months in addition; for offence u/s 324 r/w 34 PPC to suffer R.I for three years and to pay fine of Rs.30,000/- each or in default thereof to suffer S.I for four months more; for offence u/s 324 r/w 337-A(i)/34 PPC to suffer R.I for one year and to pay Daman Rs.10,000/ each to injured Habibullah or in default thereof they shall remain in jail till payment of Daman amount; for offence u/s 324 r/w 337-F(i)/34 PPC to suffer R.I for six months and to pay Daman Rs.10,000/- each to injured Habibullah or in default thereof they shall remain in jail till payment of Daman amount. All the sentences were ordered to run concurrently and benefit of section 382-B, Cr.P.C was also awarded to them.

During pendency of the instant criminal appeal, the appellants as well as complainant, injured and legal heirs of deceased Abdul Rauf filed applications under section 345(2) & 345(6) Cr.P.C, along with affidavits of the complainant, injured and legal heirs of the deceased namely Banhon (father), Mst. Fahmeeda (mother), Shahid Hussain (complainant/brother), Habibullah (brother/injured), Ghulam Hussain, (brother), Abdul Sattar (brother), Saeed Ahmed(brother), Mst.

Abida (sister), Mst. Majida Khatoon (sister), Mst. Uroosa (sister) and Mst. Rashida (sister). They all appeared in court and have admitted the contents of application for permission to compound the offence and compromise application. They have further stated that they have patched up the matter on the intervention of their nekmard outside the court and got diyat amount from the appellants/accused in shape of cash and cattle in order to maintain peace and tranquility between them in the area. They further stated that they have no objections if compromise arrived between the parties is accepted and the appellants/accused are acquitted of the charge.

Heard learned counsel for the appellants, learned counsel for complainant, learned Deputy Prosecutor General and perused the record.

Perusal of record reveals that the complainant and the above named legal heirs being parents and siblings of the deceased Abdul Rauf are competent to compound/compromise the offence with the appellants/accused. They stated that they have entered into a compromise with the present appellants/accused on the intervention of their nekmads with their free will and without any pressure, compulsion or coercion and have got diyat amount from the appellants/accused. They have recorded their no objection if the appellants/accused are acquitted.

The compromise arrived between the parties on the very face of it appears to be genuine and true, without any inducement or pressure. Considering the geniuses of the compromise, I feel no hesitation to accept the same as the offences are compoundable.

Keeping in view of the above facts and circumstances, the compromise arrived between the parties is hereby accepted. Consequently, appellants are hereby acquitted u/s 345(6) Cr.PC in the above case/crime. They be released forthwith if not required in any other custody case.

The criminal appeal along with applications u/s 345(2) & 345(6) Cr.P.C, as well as pending applications stand disposed of in the above terms.

JUDGE