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IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Cr. Jail Appeal No.D-33 of 2022
Cr. Conf. Case No.D-20 of 2022

1. For orders on office objection.
2. For hearing of M.A. No.174 /2025.
3. For hearing of M.A. No.175 /2025.
4. For hearing of Main Case.

Mr. Asif Ali Abdul Razak Soomro, advocate for the appellant.

Mr. Aitbar Ali Bullo, DPG.

Legal heirs Mst. Fatima, Mst. Shazia and Mst. Reshman, mother and sister respectively of deceased Nadeem Ali, present in person.

Date of hearing : 12.03.2025.

Date of Order : 12.03.2025.

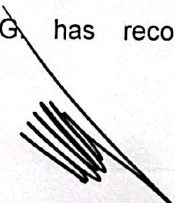
ORDER.

Appellant Manzoor son of Ramzan, by caste Jhatial, was tried by the learned Additional Sessions Judge-I/MCTC, Dadu, in Sessions Case No.160 / 2020, re-The State v. Manzoor Jhatiyai, based on Crime No.15/2020, registered at P.S Thariri Muhabat. On conclusion of the trial, trial Court convicted the appellant vide judgment dated 08.10.2022 and awarded him, *inter alia*, the sentence of death, together with Rs.300,000/- (rupees three lacs) as compensation to be paid to the legal heirs of deceased Nadeem Ali Jhatiyai in terms of Section 544-A, Cr.PC.

2. During pendency of the appeal, the appellant and the legal heirs of deceased Nadeem Ali entered into compromise outside the Court and filed listed applications M.A. No.174/2025 for permission to enter into compromise, and M.A. No.175/2025 for acquittal of the appellant in terms of compromise.

3. Learned Counsel for the appellant submits that the parties have entered into the compromise and as a result whereof the legal heirs of deceased Nadeem Ali have pardoned the appellant/convict and also waived their right of Qisas and do not claim compensation/badl-i-sulh etc. He submits that compromise may be accepted and appellant may be acquitted of the charge by means of the compromise. The legal heirs of the deceased have filed their affidavits, affirming the fact of the compromise.

4. Learned D.P.G. has recorded no objection for allowing compromise application.




5. In order to verify the genuineness of the compromise and also to confirm the details of the legal heirs of the deceased, compromise applications were referred to the trial Court for holding requisite inquiry. On completion of the process of the verification of the fact of compromise, trial Court submitted the report dated 27.02.2025, in which it is stated that there is genuine compromise between the parties.

6. The offence, with which the appellant was charged, tried and convicted, is compoundable subject to permission of the Court, however, before accepting the compromise the Court is duty bound to ascertain whether same is genuine and made by the legal heirs of the deceased with their own free-will and whether the acquittal of the convict will be in the interest of the parties and the society. Once the above conditions are satisfied and the Court permits compounding of the offence, the convict has to be acquitted under sub-section (6) to section 345 of Cr.P.C.

7. We have heard learned Counsel for the appellant, learned D.P.G. for the State and the legal heirs, namely, Mst. Fatima, Mst. Shazia and Mst. Reshman, mother and sisters respectively of deceased Nadeem Ali, in person, who have voluntarily appeared. All the legal heirs of deceased have also stated they have waived their right of Qisas and Diyat and that they have no objection if the appellant is acquitted in terms of compromise. Learned Prosecutor recorded his no objection for allowing the compromise applications.

8. In present case, deceased Nadeem Ali at the time of his death left behind his surviving legal heirs viz., Mst. Fatima, Mst. Shazia and Mst. Reshman, being his mother and sisters respectively, who are all major and have stated that due to intervention of the nekmarks of the locality they have forgiven the appellant in the name of Almighty Allah and they do not claim any compensation/badl-i-sulh from the appellant and have also waived their right of Qisas and Diyat.

9. In the view of above and for restoration of better relations between the parties in future, the permission to enter into the compromise is allowed. Resultantly, the compromise between the parties is accepted and the conviction and sentence awarded to the appellant vide impugned judgment are set aside. Appellant Manzoor Jhatiyal is acquitted u/s 345(6), Cr.P.C in terms of the compromise. **The appellant shall be released forth if not required to be detained in any other case.**



10. Instant criminal jail appeal stands disposed of in the above terms; whereas the reference sent by the trial Court seeking confirmation of death sentence of appellant is answered in negative accordingly.

JUDGE
12/23/2025

JUDGE