

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Appeal No.S-49 of 2025.

DATE	ORDER WITH SIGNATURE OF JUDGE
<u>30.03.2026.</u>	<p>For hearing of M.A No.327/26. For hearing of M.A No.328/26.</p> <p>Mr. Shakir Ali Talpur, Advocate for Appellant.</p> <p>Mr. Altaf Hussain Khokhar, Deputy Prosecutor General for the State.</p> <p>Complainant / legal heirs namely Muhammad Hayat, Bashir Ahmed and Mst. Saleema are present in-person.</p> <p style="text-align: center;">*****</p> <p><u>Syed Fiaz ul Hassan Shah, J :-</u> Appellant Nabi Bux s/o Bashir Ahmed Gopang was tried by learned 1st Additional Sessions Judge (MCTC) Tando Allahyar in S.C No.13 of 2025 (re- The State v. Nabi Bux) arising out of Crime No.117 of 2024 registered at Police Station B-Section Tando Allahyar under Section 302, 311, 109, 337-F(vi) PPC. After full dressed trial he was convicted and sentenced as under;</p> <p style="margin-left: 40px;"><i>“32. For what has been discussed above on point No.1, it is has been brought on record that prosecution has fully proved the charge of having committed the murder of deceased Mst. Rukhsana punishable under Section 302(b) PPC and causing injuries to the complainant Muhammad Hayat punishable under section 337-F(vi) PPC. I therefore, while exercising the powers conferred upon me under Section 265-H(2) Cr.P.C, convict and sentence the accused Nabi Bux for having committed the offence punishable under Section 302(b) PPC to suffer Imprisonment for life as Ta’zir and to pay a compensation of Rs.10,00,000/- (One Million) to the legal heirs of the deceased as required under section 544-A Cr.P.C. In case of failure to pay compensation, the accused shall have to suffer SI for six months. For the offence punishable under section 337-F(vi) PPC the accused is convicted and sentenced to suffer RI for three years as Ta’zir and pay Daman of Rs.50,000/- to the injured complainant. The accused is required to pay the Daman in the manner as provided under Section 337-Y(1a) PPC. In case of default he shall be kept in jail and dealt with in the same manner as if sentenced to simple imprisonment till daman is paid in full. The accused has remained as under Trial prisoner, therefore, the benefit of section 382-B PPC is provided to him. All the</i></p>

convictions and sentences awarded to him shall run concurrently. The accused is produced in custody. He is remanded back to custody alongwith conviction warrant and slip to serve out the sentence awarded to him."

The Appellant has challenged such impugned Judgment in the instant Cr. Appeal before this Court. However, during pendency of present Appeal, the parties entered into compromise outside the court and filed Applications under Section 345(5) Cr.P.C (**bearing M.A No.327/26**) and Application U/s 345 (6) Cr.P.C (**bearing M.A No.328/26**), which was referred to learned Trial Court for holding enquiry and to submit report. Learned trial court has furnished enquiry report dated 25.02.2026, confirming that the legal heirs of deceased Mst. Rukhsana have pardoned the appellant / accused in the name of Almighty ALLAH. Report further reflects that they further stated that they have not received any Badl-e-Suleh from the accused who is real brother of deceased victim. The compromise has been entered with free will and without any force or coercion and they have no objection, if the accused is acquitted on the basis of compromise. Statements of legal heirs also recorded by Trial Court.

Learned counsel for appellant has submitted that legal heirs of deceased Mst. Rukhsana entered into compromise with the appellant due to intervention of nekmards and they have waived of their right of Qisas and Diyat and forgiven the appellant in the name of Almighty Allah. He further states that all the legal heirs have filed their affidavits before this Court along with compromise Application.

On the other hand, learned Deputy Prosecutor General has recorded his no objections on the acquittal of appellant due to compromise between the parties.

Admittedly, offences against which a conviction has been awarded to the Appellant are compoundable. It has come on record that the parties have entered into compromise and the matter was referred to the trial Court for enquiry regarding genuineness and correctness of compromise between the parties. Learned trial Court called report from concerned Mukhtiarkar, SHO, NADRA, Union Council/M.C and thereafter learned trial court recorded the

statements of legal heirs of deceased victim who have pardoned the appellant and recorded their no objection on the acquittal of appellant.

In view of above, Application under Section 345(5) Cr.P.C (**M.A No.327/26**) and Application U/s 345 (6) Cr.P.C (**M.A No.328/26**) are hereby **allowed**. Appellant **Nabi Bux s/o Bashir Ahmed Gopang** is acquitted by means of compromise under Section 365(6) Cr.P.C. Appellant shall be released forthwith if not required in any other custody case.

JUDGE

Ali