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ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO
Crl. Appeal No.S-127 of 2019.

<u>Date</u>	<u>Order with signature of Judge</u>
04.03.2024	<ol style="list-style-type: none">1. For orders on officer objection 'A'.2. For orders on letter dt.17.02.2024, received from trial Court as Flag 'B'.3. For hearing of main case.4. For hearing of M.A.No.82/2023.5. For hearing of M.A.No.5665/2019.

04.03.2024

Mr. Aftab Ahmed Channa, advocate for the appellant.

Mr. Ali Anwar Kandhro, Addl. P. G Sindh.

Mr. Faiz Muhammad Larik, advocate along with complainant as well as legal heirs.

O R D E R.

1 to 5. Appellant Muhammad Khan @ Abdul Latif @ Toto son of Ahmed was charged and tried by the learned Ist Additional Sessions Judge (MCTC), Kandhkot, in Sessions Case No.224 of 2019 Re-State v. Muhammad Khan @ Abdul Latif @ Toto and others, based upon F.I.R No.139/2018 of PS C-Section Kandhkot for offence punishable under sections 302, 324, 34, PPC and on conclusion of trial he was convicted and sentenced to imprisonment for life with fine of Rs.200,000/-, which on recovery payable to LRs of deceased Ahmed except accused or in default he (accused) shall suffer one year more R.I. He (accused) was also convicted for the offence punishable under section 324, PPC and sentenced to R.I for seven years with fine of Rs.10,000/- which on recovery payable to injured PW Ibrar Ahmed alias Danglo or in default he (accused) shall suffer one year more R.I. The accused was extended benefit of Section 382-B, Cr.P.C.

The appellant Muhammad Khan @ Abdul Latif @ Toto filed appeal before this Court against the judgment of his conviction. However, during pendency of the appeal, the appellant entered into compromise with the complainant and legal heirs of the deceased. Both

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parties filed their compromise applications and affidavits on 16.01.2024 for according permission to them to compound offence and for acquitting the appellant/accused Muhammad Khan @ Abdul Latif @ Toto by accepting such compromise.

In compliance of order dated 15.01.2024, the trial Court/Ist Additional Sessions Judge, Kandhkot has submitted enquiry report with regard to genuineness or otherwise through its letter bearing No.165/2024 dated 27.02.2024, taken on record. Per report the deceased Ahmed Khan (father of the appellant), at the time of his death had left Mst. Sasui Khatoon and Mst. Najma Khatoon (both widows), Ibrar Ahmed @ Dangal (son of the deceased as well as injured), Abdul Nabi, (son of deceased), Mst. Shahzadi Khatoon, Mst. Lal Zadi (Minor Daughter), Mst. Samina Khatoon, Mst. Gulzadi & Mst. Rubina (daughters of the deceased).

All above legal heirs of the deceased being major, except Mst. Lal Zadi (daughter of deceased), being minor, are present in Court and affirm the factum of compromise between them outside the Court, hence raise their no objection for grant of listed applications as well as acquittal of the appellant by way of compromise.

Complainant Muhammad Sachal, is also the real brother of the deceased, and all other major legal heirs of the deceased in their affidavits have stated that they have entered into compromise with the appellant on the Holy Quran on the intervention of Nekmards, hence they have forgiven the appellant and do not claim any compensation, Arsh or Daman etc. Whereas, Mst. Sasui Khatoon, who is mother of minor legal heir Mst. Lal Zadi has stated that she has also entered into compromise with the accused/appellant on behalf of said minor, hence she waives right of Qisas. They have also stated that they have no

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objection, if the appellant **Muhammad Khan @ Abdul Latif @ Toto is acquitted of the charge in terms of compromise.**

Though the wife of deceased Mst. Sasui has waived right of Qisas on behalf of her minor daughter Mst. Gul Zadi, yet she cannot waive the Diyat amount on behalf of said minor daughter, hence the appellant is under legal obligation to pay/deposit the share of said minor.

In view of above position, permission under Section 345(5), Cr.P.C to compound the offence is accorded to the parties. As a result whereof, the compromise between the parties is accepted and the appellant **Muhammad Khan @ Abdul Latif @ Toto is acquitted of the charge in terms of compromise. He shall not be released till deposit of Diyat to the extent of share of minor Mst. Lal Zadi, daughter of the deceased, which shall be calculated by the Accountant of this Court.**

Instant appeal is disposed of in terms of compromise.

M.Y.Panhwar/**

— Applicacln- DW Mallu

~~Judge~~

— For Order on MIA 1157/21 (41A)

— Accountant- report as flag "B"

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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Cr. Appeal No. S-127 of 2019

Date of
Hearing

01.04.2024.

ORDER WITH SIGNATURE OF JUDGE

For orders on M.A. No. 1157/2024.

Mr. Mehrullah M. Qambrani, advocate for the appellant.
Mr. Ali Anwar Kandho, Addl. P.G.

Through listed application, learned Counsel pleads urgency and submits that in compliance of order dated 04.03.2024, the appellant is ready and willing to deposit the share out of *Diyat* in favour of minor Mst. Lal Zadi, daughter of the deceased. Learned Addl. P.G. waives notice and records no objection. Accordingly, listed urgency application is allowed and matter is taken up today.

In view of above, appellant is allowed to deposit the share out of *Diyat* in favour of minor Mst. Lal Zadi, daughter of the deceased, in the office, as per calculations made by the Accountant of this Court, within three days' time. The amount so deposited shall be invested by the office in some government profit bearing scheme in the name of above-named minor legal heir, which shall be released/paid to her on her attaining the age of majority. Once the amount of share out of *Diyat* in favour of minor Mst. Lal Zadi is deposited, office shall issue release writ for the appellant in terms of order dated 04.03.2024.

JUDGE

Applicant S/O Murtu

1) - P Order on MA 02/25 (u/A)
2) - P Order on MA 03/25 (561-A)