

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Criminal Appeal No.S-201 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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| 1. For order on M.A No.24/2025.
2. For order on M.A No.1516/2019.
3. For hearing of main case. | |
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23.09.2025.

None present for the appellant.

Mr. Shahzado Saleem, Additional P.G Sindh.

ORDER

Amjad Ali Sahito, J. Through this Criminal Appeal, the appellant has impugned the judgment dated 22.02.2020 passed by the learned Additional Sessions Judge-I, Tharparkar At Mithi in Sessions Case No.02/1999, whereby the appellant was convicted. Being aggrieved from the judgment of court below the appellant had filed instant appeal.

2. The record reveals that on 08.01.2025, the Station House Officer, Police Station Diplo, submitted a photocopy of the death certificate of the appellant, Allah Bachayo, who expired on 25.09.2024. The said death certificate was issued by the Union Council Sarhore, Taluka Diplo, District Tharparkar at Mithi. However, the learned Additional Prosecutor General, Sindh, has submitted that the appellant, Allah Bachayo, had been convicted to pay **Arsh** and **Diyat** in the aggregate sum of Rs. 348,000/- to the injured party. He further contended that sufficient material is available on record connecting the appellant with the commission of the offence and that the learned trial court, while taking a lenient view, had awarded only the sentence of payment of compensation. It is, therefore, prayed that the instant appeal be declared abated due to the death of the appellant, and that the injured persons be granted the right, in terms of Section 544-A, Cr.P.C., to recover the amount of **Diyat** and **Arsh** from the assets left by the deceased appellant in accordance with the provisions of the Land Revenue Act.

3. Upon perusal of the record, it further transpires that the accused, Allah Bachayo, had inflicted two hatchet-blow injuries upon the head of the injured Manthar. The Medical Officer declared these injuries as

Shajjah-i-Mudihah, thereby constituting an offence punishable under Section 337-A(ii), P.P.C. After a full-fledged trial, the accused, Allah Bachayo son of Allah Din alias Raham Dino, was convicted under Section 265-H(2), Cr.P.C., for the said offence and sentenced only to payment of **Arsh**, assessed at five percent (5%) of *Diyat*, amounting to Rs. 116,011/- for each of the two wounds caused to the injured Manthar. Accordingly, the appellant was directed to pay a total **Arsh** amount of Rs. 232,022/- (i.e., Rs. 116,011 x 2) to the injured Manthar son of Muhammad, with a further direction that, in default of payment, he would be taken into custody and remanded to jail to undergo simple imprisonment until the full amount of **Arsh** was paid.

4. However, it has now been brought to the notice of this Court that the appellant, Allah Bachayo, has expired. In view of his death, the proceedings against him stand **abated**, and the present appeal is accordingly disposed of as abated.

5. Nevertheless, the injured persons shall remain at liberty to seek recovery of the amounts of **Diyat** and **Arsh** by initiating appropriate proceedings before the competent forum under the Land Revenue Act, by invoking the provisions of Section 544-A, Cr.P.C., against the legal heirs and the estate left behind by the deceased appellant.

JUDGE

Adnan Ashraf Nizamani