

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Appeal No.103 OF 1999

Date	Order with signature of Judge
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| 1. | For orders on M.A No.4303/2016 |
| 2. | For hearing of M.A No.2727/2010 |
| 3. | For hearing of M.A No.2728/2010 |
| 4. | For hearing of M.A No.2729/2010 |
| 5. | For hearing of Main case |

09.5.2016

Appellant present in person.
Ms. Rahat Ahsan, D.P.G.
M/s.Shabana, Safiullah and Zainab, legal
heirs of deceased Ubaidullah present.

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This appeal is pending since 31.7.1999 against the conviction of appellant by the Court of IInd A.D.J East in crime No.189/1997 under section 320 PPC P.S New Town, Karachi, East for causing death of one Ubaidullah son of Shah Muhammad in a road accident on **4.10.1997**. The accused was convicted to undergo 05 years R.I and to pay diyyat amount. After 19 years on 5.4.2016 he stated that the family members of the victim have agreed to forgive him / compromise outside the court. However, he was directed to produce the legal heirs of deceased on **5.4.2016**, widow of deceased Ubaidullah namely Mst.Shabana alongwith two children of deceased, namely Zainab daughter of deceased Ubaidullah born on **22.5.1995** and son Safiullah born on **30.1.1997** appeared in Court and they are again present today.

I have seen original CNIC of widow birth certificate of Safiullah issued by NADRA, and original birth certificate of Zainab issued by Town Committee Gujro Karachi, East. Father-in-law of deceased is also present and confirms that the

deceased was survived only by a widow and two children mentioned above. To verify further about the children of deceased, they have produced original admit cards of Board of Secondary Education for appearance in examination of class-X showing date of birth and father's name of both the children. In view of these documents, I am satisfied that deceased is survived only by the aforesaid three legal heirs.

The appellant present in person has agreed to compensate the aforesaid legal heirs of the deceased by making payment of **Rs.200,000/-** which he has brought cash in terms of the direction given by this court on **06.5.2016**. The legal heirs have agreed to compound the offence with him on payment of Rs.200,000/-. I have duly examined all the three legal heirs of deceased and they have agreed to accept the payment of Rs.200,000/- by the appellant as the legal heirs of deceased to relief/release him from other punishment awarded by the trial court.

In view of the above, appellant and all the three legal heirs of deceased alongwith father-in-law of deceased are directed to appear before the Nazir of this court today. Nazir of this court should realize a sum of Rs.200,000/- cash from the appellant. He should forthwith disburse the said amount amongst the aforesaid legal heirs in accordance with their share as per their fiqah after verification. Each one of the legal heirs should be paid his/her share and proper receipt be obtained from each one of them after payment and relevant entries be made in the

relevant record. This file should immediately be sent to the Nazir. The appeal is disposed of in above terms and the sentence awarded to the appellant is set aside subject payment. Surety stand discharged.

Judge

SM