

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**Cr. Appeal No.189 of 2005**

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Date

Order with signature of Judge  
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1. For hearing of Main Case
  2. For hearing of M.A No.3597/2008
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**03.5.2016**

Mr. Gul Hasan, advocate a/w appellant.  
Mr. Arshad Jamal Siddiqui, advocate for  
Muhammad Sadiq owner of bus.  
Ms. Rahat Ahsan, D.P.G.  
SHO Jamal Ahmed Leghari, P.S Azizabad  
present.  
Mst. Mustafa Jehan, mother of deceased  
Muhamamd Arif.

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Appellant has filed this appeal against his conviction by the Court of IIIrd Addl. District & Sessions Judge (Central) Karachi in Session Case No.213/2002 under Section 320 PPC registered at P.S Azizabad under crime No.248/2002. The accused was convicted and in terms of order an amount of Rs.3,50,000/- was payable towards diyyat as on 20.4.2005. It was also observed in the order that diyyat may be paid from the sale proceed of the bus in case of nonpayment of diyyat amount. The owner of the bus took the bus from the police on superdiginama. However, during pendency of this appeal he has sold out the bus, which was involved in the accident. Bus owner has already deposited Rs.4,00,000/- in court towards the diyyat of the victim Muhammad Arif. Only mother of the victim is present in court and she has informed that the deceased was unmarried and as of today is survived by her (mother) and two brothers and two sisters. Therefore, diyyat as per sharih is to be

disbursed amongst brothers, sisters and mother. Nazir of this court having an amount of Rs.4,00,000/- pursuant to the order dated 25.3.2016 is hereby directed to disburse the diyyat amount to the extent of her share after ascertaining her share amongst the five legal heirs. He may disburse the amount of share of the mother and should also disburse the amount of other legal heirs as and when they appear and prove their identity.

Without going into the merit of the appeal the appellant was guilty of rash and negligent driving present in court and by now he is physically handicap and he is not in a position to stand on his feet in court room. He had been hardly served one month. Since diyyat amount has been deposited the term of imprisonment keeping in view the physical position of the appellant is modified to the extent that diyyat is to be paid and conviction of imprisonment is modified as undergone. This appeal is disposed of in the above terms.

JUDGE

SM