

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Crl. Appeal No.S-288 of 2019.

Date of hearing	Order with signature of Judge
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1. For hearing of M.A.No.9507/2020 (345(2) Cr.PC).
2. For hearing of M.A.No.9508/2020 (345(6) Cr.PC).

08.02.2021

Mr. Riaz Ali Panhwar, Advocate for the appellant.
Mr. Hatim Ali Soomro, advocate for complainant.
Ms. Rameshan Oad, A.P.G for the State.
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1. Granted.
2. It is alleged that the appellant with rest of the culprits after having formed an unlawful assembly and in prosecution of their common object committed murder of Ghulam Umer by causing him fire shot injuries and then went away by insulting the complainant party and making aerial firing to create harassment, for that the present case was registered.

On conclusion of trial, co-accused Himat, Kabil, Rustam, Hakim Ali and Akber were acquitted while appellant was convicted and sentenced to undergo Imprisonment for Life and to pay compensation of rupees one lac to the legal heirs of the said deceased, for offence punishable u/s 302(b) PPC by learned Ist. Additional Sessions Judge / MCTC Dadu by way of his judgment dated 18.09.2019, which is impugned by the appellant by preferring the instant appeal.

During course of hearing of instant appeal, the appellant filed applications for permission to compound the offence with the complainant party and for his acquittal by way of compromise.

The deceased was unmarried person and legally he was to have been succeeded by his father Madad Ali and mother Mst. Rashida, they as per report furnished by learned trial Court have compounded the offence with the appellant.

Madad Ali and Mst. Rashida on query of the Court that they have pardoned the appellant without favour or fear by waiving their right of Qisas and Diyat against him. They were fair enough to say that they would be having no objection if, the appellant is acquitted. Whatever is stated by them take support from their statements, which they have made before learned trial Court.

It is contended by learned counsel for the appellant that the parties have compounded the offence on intervention of their Nekkards, without fear or favour and it is true and voluntarily therefore, the appellant is liable to his acquittal by way of compromise.

Learned A.P.G for the State and learned counsel for the complainant have recorded no objection to the acquittal of the appellant by way of compromise.

I have considered the above arguments and perused the record.

The compromise which is arrived at between the parties is appearing to be true and voluntarily; it apparently has been affected by

them on intervention of their Nekkards, it is appearing to be without any coercion or compulsion, it has not been objected by any one. It is therefore, accepted in the best interest of the peace and brotherhood to be prevailed between the parties.

Consequently, the appellant is acquitted of the offence for which he was charged, tried and conviction by learned trial Court by way of impugned judgment, in terms of compromise by resorting to provision of section 345(6) Cr.PC and he shall be released forthwith in present case, if is not required in any other custody case.

The instant appeal is disposed of accordingly.

JUDGE

Ahmed/Pa,