

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Crl. Appeal No.S-106 of 2019.

Date of hearing	Order with signature of Judge
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1. For hearing of M.A.No.749/2021 (345(2)Cr.PC).
2. For hearing of M.A.No.750/2021 (345(6)Cr.PC).
3. For hearing of M.A.No.4384/2019

16.03.2021

Mr. Shakir Ali Talpur, Advocate for the appellant.
Chaudhry Jawaid, advocate for complainant.
Ms. Sobia Bhatti, A.P.G for the State.
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1. Granted.
2. The appellant on due trial, for an offence punishable under section 302(b) PPC was convicted and sentenced to undergo imprisonment for life and to pay compensation of rupees five thousands to legal heirs of deceased Kashif by learned Ist.Additional Sessions Judge/MCTC, Mirpurkhas vide his judgment dated 11.05.2019, which is impugned by the appellant before this Court by preferring instant appeal.

During course of hearing of instant appeal, the appellant filed applications for his acquittal by way of compromise.

Deceased Kashif was unmarried person, therefore, legally he is to be survived by his father Liaquat Ali and mother Akbari, they as per report furnished by learned trial Court together with the brother/sisters of the deceased have compounded the offence with the appellant.

The father and mother of the deceased in their affidavits filed before this Court and statements recorded by learned trial Court have stated that they have pardoned the appellant in the name of *Allah* by waiving their right of Qisas and Diyat against him.

It is contended by learned counsel for the appellant that the parties have compounded the offence on intervention of their Nekmards, 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 arrived at between the parties is appearing to be true and voluntarily; it apparently has been affected by the parties at the intervention of their Nekmards, 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 together with the listed application.

J U D G E