

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Appeal No.S-101 of 2013

| DATE | ORDER WITH SIGNATURE OF JUDGE |
|------|---|
| 1. | For hearing of M.A. No.14908/2021 (345(2) Cr.P.C. |
| 2. | For hearing of M.A. No.14909/2021 (345(6) Cr.P.C. |
| 3. | For hearing of M.A. No.14910/2021(345(4) Cr.P.C. |

25.04.2022

Mr. Kamran Baig, Advocate for appellant.

Ms. Sana Memon, Assistant Prosecutor General, Sindh for the State.

Mr. Imtiaz Ali Channa, Advocate for the complainant.

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IRSHAD ALI SHAH, J:- The appellant for committing murder of Abdul Majeed by causing him fire shot injuries was convicted u/s: 302(c) PPC and sentenced to undergo life imprisonment with fine of rupees one Lac payable to the legal heirs of the deceased as compensation and in default whereof to undergo simple imprisonment for one year with benefit of section 382-B Cr.P.C by learned IIIrd Additional Sessions Judge Dadu vide judgment dated 13.08.2013, which is impugned by appellant before this Court by preferring the instant criminal appeal.

On hearing of the instant criminal appeal, the appellant entered into compromise with legal heirs of the deceased and sought for his acquittal by way of compromise by filing such applications.

The deceased on death legally was survived by the following legal heirs;

| | | |
|--------------------|---------------------|------------|
| 1. Mst. Zarina | aged about 56 years | (Widow) |
| 2. Ajeeb | aged about 34 years | (Son) |
| 3. Mst. Majeedan | aged about 32 years | (Daughter) |
| 4. Muhammad Kamil | aged about 24 years | (Son) |
| 5. Mst. Shahrabano | aged about 22 years | (Daughter) |
| 6. Deedar Ali | aged about 23 years | (Son) |
| 7. Gulsher | aged about 35 years | (Son) |
| 8. Naseer Ahmed | aged about 14 years | (Son) |

As per inquiry report furnished by learned trial Court, the adult legal heirs of the deceased have pardoned the appellant without any coercion or compulsion by

waiving their right of *Qisas* and *Diyat* against him while the minor legal heir of the deceased has pardoned his right of *Qisas* against the appellant through his Wali Mst. Zarina (his mother). An amount of Rs.6,21,426/-, being *Diyat* money under the share of minor legal heir of the deceased the appellant has deposited with Accountant of this Court.

Learned counsel for the appellant has sought for acquittal of the appellant by way of compromise which is not opposed by learned Assistant Prosecutor General, Sindh for the State.

Heard and perused the record.

The compromise arrived at between the parties is appearing to be genuine, true and voluntarily. It is not objected by anyone, it is therefore, accepted in the best interest of peace and brotherhood to be prevailed between them. Consequently, the appellant is acquitted of the offence for which he has been charged, tried and convicted by learned trial Court by way of compromise. He shall be released forthwith in the present case.

The *Diyat* amount under the share of minor legal heir of the deceased to be deposited by the Accountant with some profitable scheme to be encashed by him on attaining the age of majority subject to order of this Court.

The instant criminal appeal is disposed of accordingly together with listed applications.

JUDGE

Muhammad Danish*