

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Appeal No.S-71 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For hearing of M.A. No.2998/2022 (345(2) Cr.P.C.
	2. For hearing of M.A. No.2999/2022 (345(5) Cr.P.C.
<u>16.05.2022</u>	

Mr. Saad Salman Ghani, Advocate for appellants.

Ms. Safa Hisbani, Assistant Prosecutor General, Sindh for the State.

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IRSHAD ALI SHAH, J:- The appellants allegedly for committing murder of Mazhar Ali by throwing him into water course. After due trial were convicted u/s: 302(b) PPC and sentenced to undergo life imprisonment and to pay fine of rupees two Lac each payable to the legal heirs of the deceased as compensation and in default whereof to undergo rigorous imprisonment for four months with benefit of section 382-B Cr.P.C by learned Model Criminal Trial Court-II/IVth Additional Sessions Judge Hyderabad vide judgment dated 06.02.2020, which is impugned by appellants before this Court by preferring the instant criminal appeal.

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

The deceased being un-married on death legally was survived by the following legal heirs;

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|-------------------|---------------------|----------|
| 1. Nazar Muhammad | aged about 47 years | (Father) |
| 2. Mst. Mirzadi | aged about 42 years | (Widow) |

As per the legal heirs of the deceased they have pardoned the appellants without any coercion or compulsion by waiving their right of *Qisas* and *Diyat*, against them. Such fact also takes support from the enquiry report furnished by learned trial Court.

Learned counsel for the appellants has sought for acquittal of the appellants 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 appellants are acquitted of the offence by way of compromise for which they have been charged, tried and convicted by learned trial Court, they shall be released forthwith in the present case.

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

JUDGE

Muhammad Danish*