

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Criminal Appeal No. S-31 OF 2023
(*Ali Asghar Channo & others Vs. The State*)

| | |
|-----------------|-------------------------------|
| Date of hearing | Order with signature of Judge |
|-----------------|-------------------------------|

1. For hearing of M.A.No. 5622/2023 (345 (2) Cr.P.C)
2. For hearing of M.A.No. 5623/2023 (345 (6) Cr.P.C)
3. For hearing of M.A.No. 3117/2023 (426 Cr.P.C)
4. For hearing of main case.

30-10-2023.

Mr. Aftab Hussain Shar, advocate for the appellants.
Complainant Saith Ali in person.
Mr. Khalil Ahmed Maitlo, Deputy. P.G for the State

-.-.-.-.-.

It is alleged that the appellants with rest of the culprit in furtherance of their common intention committed murder of Abdul Ghaffar by causing him fire shot injuries, for that they were booked and reported upon by the police. On conclusion of trial, they were convicted under Section 302(b) r/w section 34/114 PPC and sentenced to undergo rigorous imprisonment for life as *Tazir* and to pay compensation of Rs.100,000/- each to the legal heirs of the deceased and in default whereof to undergo simple imprisonment for 06 months with benefit of Section 382(b) Cr.PC by learned IVth Additional Sessions Judge Khairpur, vide judgment dated 21-02-2023 which they have impugned before this Court by preferring the instant Crl. Jail Appeal.

On hearing the instant Crl. Jail Appeal, the appellants filed applications for permission to compound the offence with the legal heirs of the deceased and for their acquittal by way of compromise; those were assigned to learned trial Court for inquiry and report.

On inquiry it was reported by learned trial Court that deceased Abdul Ghaffar now is survived by Abdul Hakeem, Junwan Khan, Hub Ali (all sons) and Mst. Rani Khatoon, Mst. Zahooran Begum, Mst. Hakimzadi, Mst. Nasreen Bibi, Mst. Fida Khatoon (all daughters) and they being adults and surviving legal

heirs of the deceased have pardoned the appellants by waving their right of "*Qisas*" and "*Diyat*" against them.

It is contended by learned counsel for the appellants that the parties have compounded the offence on intervention of their *Nekmards*; without fear or favour and it is true and voluntarily, therefore, the appellants are entitled to be acquitted by way of compromise, which is not opposed by learned Deputy P. G for the State and complainant in person.

Heard arguments and perused the record.

The compromise arrived at between the parties is appearing to be true and voluntarily; it is appearing to be without coercion or compulsion, it has not been objected by any one; it is therefore, accepted in the best interest of the peace and brotherhood expected to be prevailed between the parties; consequently, the appellants are acquitted of the offence for which they were charged, tried, convicted and sentenced by learned trial Court, in terms of compromise by resorting to provisions of section 345(6) Cr.PC and shall be released forthwith, if is not required to be detained in any other custody case.

The instant Crl. Jail Appeal is disposed of accordingly together with the listed applications.

J U D G E

Nasim/P.A