

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Appeal No. S- 60 of 2021

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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- 1.For hearing of MA 5407/2023
- 2.For hearing of MA 5408/2023
- 3.For hearing of main case.

Mr. Abdullah Mastoi, Advocate for the Appellant.
Mr. Humail Rafi Mahesar, Advocate for the Complainant.
Mr. Aftab Ahmed Shar, Additional, Deputy P.G for the State.

Date of Hearing : **20-11-2023**
Date of Decision : **20-11-2023**

ORDER

MUHAMMAD IQBAL KALHORO, J. Legal heirs of deceased Rafiullah, namely, Sohail Rafi (complainant), Humail Rafi, Zuhaib Rafi, Sheeraz Rafi (sons), Mst. Aqeela Rafi, Mst. Ambreen Rafi, Mst. Hina Rafi (daughters) and widow Mst. Afrooz Begum so also appellant Zaheer Hussain have filed applications under sections 345(2) and 345(6) CrPC seeking compounding of offence on the basis of compromise and acquittal of the appellant. Said applications were sent to learned trial Court for holding an enquiry in respect of legal heirs of deceased and to ascertain the genuineness of the compromise.

2. Learned Additional Sessions Judge-1/MCTC, Khairpur has submitted a report dated 16.10.2023, wherein he has disclosed that above legal heirs of deceased were examined by him, who in their statements have voluntarily, without any fear, pressure or any inducement forgiven the appellant in the name of Almighty ALLAH and waived their right of Qisas and Diyat and in lieu of compromise, they have also not received the hand of any girl from appellant.

3. Today, above named legal heirs of deceased have appeared before this Court and admitted their signatures/thumb impressions on

their affidavits and contents of the same and further submit that they were examined by learned trial Court and stated that they have voluntarily forgiven the appellant in the name of Almighty ALLAH without any coercion, compulsion or inducement and waived their right of Qisas and Diyat and recorded no objection to the acquittal of appellant.

4. In view of above circumstances, learned Deputy P.G for the State has recorded no objection to the grant of permission to compound the offence and acceptance of permission.

5. I have carefully heard the learned counsel for the parties, perused the impugned judgment, compromise applications and reports of the trial Court regarding ascertaining the genuineness of compromise between the parties. In my humble view and looking to the circumstances of this case on the basis of reports of learned trial Court about the correctness and genuineness, the compromise arrived at between the parties is voluntary and genuine. Accordingly, for better relations between the parties in future, the compromise applications are accepted, impugned judgment is set aside and the appellant Zaheer Hussain Mahesar is acquitted of the charge. He shall be released forthwith, if not required in any other custody case.

6. Instant Criminal Appeal is accordingly **disposed of** in the above terms.

JUDGE

Ahmad