

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT**  
**HYDERABAD.**

**Criminal Jail Appeal No. S-34 of 2020**

Appellant: Asad son of Ishaque @ Papoo through  
Mr. Abdul Haque Qureshi advocate.

The State: Through Mr. Imran Ali Abbasi, A.P.G.

Complainant is present in person.

Date of hearing: 04-09-2023

Date of decision: 07-09-2023

**J U D G M E N T**

**ZULFIQAR ALI SANGI, J:-**Through instant criminal Jail appeal, the appellant Asad has assailed the judgment dated 25.01.2020, passed by the learned Model Criminal Trial Court-I, Hyderabad in Sessions Case No. 132 of 2019, **(re: State vs. Asad)** culminated from Crime No.82/2018 of Police Station, Tando Yousuf Hyderabad, for offences punishable under Sections 302, 201 and 34 P.P.C, whereby the trial court has convicted the appellant for the offence U/S 302(b) P.P.C and sentenced him U/s 265-H(ii) Cr.P.C to life imprisonment for the commission of murder of deceased Mst. Saba with direction to pay compensation of Rs.2,00,000/- to the legal heirs of deceased Saba as provided under section 544-A, Cr.P.C and in case of default thereof, he shall suffer SI for six months. The appellant was also sentenced for the offence punishable under section 201, PPC rigorous imprisonment for seven years and to pay fine of Rs.50,000/-, in case of default thereof, he shall suffer SI for three months. Both the sentences were ordered to run concurrently, however, benefit of section 382-B Cr.P.C was extended to the appellant/accused.

2. During pendency of the appeal, the parties have filed joint applications under section 345(2) Cr.P.C and 345(6) Cr.P.C along with affidavits of the complainant and legal heirs of the deceased. Vide order dated 18.08.2023, this court sent these applications to the trial court to hold inquiry with regard to the genuineness of the compromise arrived at between the parties and submit its report. The report from trial court dated 31.08.2023 has been received. The trial court in order to ascertain the legal heirs of deceased, called the reports from Mukhtiarkar, Taluka Latifabad Hyderabad, S.H.O Police Station Tando Yousuf, Hyderabad and from the NADRA. During the process of said inquiry no any person appeared before the trial court to file objections in respect of names of legal heirs of Mst. Saba. Notice was also got published in daily "Express", newspaper, Hyderabad dated 27.08.2023 in this regard.

3. Learned counsel for the appellant contended that all the legal heirs of the deceased have patched up with the appellant on the Holly Quran and under the intervention of nek mards and elders of family as such all the legal heirs have not claimed any Diyat, Qisas and compensation etc; because they have pardoned the appellant in the name of Almighty Allah. He has, therefore, prayed for acceptance of the compromise and for acquittal of the accused.

4. Learned Assistant Prosecutor General for the State has raised no objection to the compromise applications of the appellants, in view of the report submitted by trial court. According to him, the report meets all necessary legal requirements in order to give effect to the compromise agreement.

5. I have heard the learned counsel for the appellant and learned A.P.G for the State and have perused the record with their able assistance.

6. On 18.08.2023 complainant and legal heirs of deceased namely Mst. Shamim, Mst. Sadaf, Mst. Ramsha and Abdul Rehman appeared before this court. They submitted that they have compounded the offence with the accused without any pressure and they have no objection, if, the compromise be accepted.

7. Record reflects that Trial Court has also recorded the statements of above named persons, who stated in their statements that they have entered into compromise with present accused and have pardoned and forgiven him in the name of Almighty Allah with their sweet and free will without any pressure, compulsion, coercion and promise. They have no objection, if, the appellant/accused is acquitted.

8. After considering all aspects of the case, I am of the view that the legal heirs of the deceased are competent to compound/compromise the offence with the appellant/accused. The compromise arrived between the parties on the very face of it appears to be genuine and true, without any due inducement or pressure.

9. Considering genuineness of the compromise, I feel no hesitation to accept the same as the offence punishable under Section 302 PPC against the appellant is compoundable.

10. Keeping in view of the above facts, the compromise arrived between the parties is hereby accepted. Consequently, appellant Asad son of Ishaque @ Papoo is hereby acquitted under Section 345(6) Cr.P.C in Sessions Case No. 132/2019, arising out of FIR No.82/2018, under Sections 302, 201 and 34,PPC of Police Station Tando Yousuf Hyderabad. The

appellant is in jail and he shall be released forthwith, if, not required in any other custody case.

11. In above terms, the instant Criminal Jail Appeal stands disposed of.

JUDGE

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