

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Cr. Appeal No.S-15 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For hearing of MA-7138/2023.
2. For hearing of MA-7139/2023.
3. For hearing of MA-805/2021.

25.09.2023.

Mr. Ghulam Shabbir Babar, Advocate for appellant.
Mr. Ahmed Ali Jarwar, Advocate for complainant.
Mr. Nazar Muhammad Memon, Additional P.G.

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ARSHAD HUSSAIN KHAN, J.- Through this appeal, appellant has impugned the judgment dated 22.01.2021 passed by learned Ist Additional Sessions Judge / Model Criminal Trial Court, Shaheed Benazirabad in Sessions Case No.1093-A of 2020 emanated from Crime No.198 of 2020 registered at P.S B-Section Nawabshah, under Sections 302, 311, 120-B, 109, 337-H(ii), 34 PPC, whereby he has been convicted and sentenced to suffer imprisonment for life and to pay Rs.200,000/- as compensation to the legal heirs of deceased Abid Hussain in terms of Section 544-A Cr.P.C, failing whereof, to suffer S.I for 06 months more; however, with benefit of Section 382-B Cr.P.C.

2. The appellant after above conviction filed this appeal which was admitted to regular hearing on 05.03.2021. During pendency of the appeal, appellant and complainant have jointly filed listed compromise applications, which were sent to the trial Court for inquiry in order to ascertain genuineness of the compromise between the parties. The learned trial Court inquired into the matter by calling reports from concerned Mukhtiarkar, SHO Nawabshah and NADRA as well as making publication in a newspaper "Kawish" dated 26.07.2023 regarding legal heirs of the deceased and after such inquiry has sent Report to this Court vide inquiry report dated 04.09.2023 in which following persons have been shown as legal heirs of the deceased:-

Sr.No.	Name of Legal Heirs	Relationship with deceased	Age
1.	Dur Muhammad S/o Muhammad Usman Rind	Brother	47 years
2.	Qadir Bux S/o Muhammad Usman Rind	Brother	--
3.	Mst. Rozan D/o Muhammad Usman Rind	Sister	--
4.	Mst. Shareefan D/o Muhammad Usman Rind	Sister	--
5.	Mst. Kazbano W/o Muhammad Usman Rind.	Mother	--
6.	Muhammad Usman Rind	Father	--

3. The report also reflects that statements of the above legal heirs of the deceased were recorded whereby they have pardoned the appellant / convict in the name of Almighty Allah without taking any Diyat amount or compensation from him and further they have no objection if the appellant / convict is acquitted of the charge.

4. Learned A.P.G and learned Counsel for the complainant in view of the above legal position have tendered their no objection to the grant of compromise applications.

5. In view of the above, it is observed that the compromise entered into between the parties appears to be genuine, lawful and without any pressure or coercion from any side. Complainant and all the legal heirs of the deceased have pardoned the appellant in the name of Allah Almighty and they do not claim any compensation from the appellant in lieu of this compromise. Therefore, keeping in view the cordial relations between the parties in future, the compromise application under Section 345(2) Cr.P.C (MA No.7138/2023) is hereby granted and application under Section 346(6) Cr.P.C (MA No.7139/2023) is accepted. Consequently, appellant Javed Ali son of Muhammad Saleh Rahejo Rind is acquitted of the charge in terms of the compromise. Appellant is in jail, he shall be released forthwith if he is not required in any other custody case.

The Appeal is disposed of accordingly.

JUDGE

Shahid

