

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

Criminal Appeal No.S-331 of 2018

**DATE**

**ORDER WITH SIGNATURE OF JUDGE**

1. For orders on MA No. 7603 of 2024 (U/A)
2. For hearing of case
3. For hearing of MA No. 542/2024
4. For hearing of MA No. 543/2024
5. For hearing of MA No. 544/2024

**06<sup>th</sup> June 2024**

Mr. Muhammad Safeer advocate for appellant

Ms. Seema Zaidi, Additional Prosecutor General

Legal heirs of deceased Muhammad namely Hanif, Barkat and Amna are present in person

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**SALAHUDDIN PANHWAR, J:-** Appellant Ghulam Qadir Baloch along with co-accused were tried by learned Additional Sessions Judge-V, Malir, Karachi in Sessions Case No.777 of 2015 for offence under section 147, 148, 149, 302, 324, 34 PPC registered at P.S. Ibrahim Hyderi. On the conclusion of trial vide judgment dated 21.04.2018, appellant and co-accused were convicted and sentenced to undergo various terms of imprisonments including life imprisonment and fines. Both the appellant and co-accused Adnan preferred appeals against their convictions and sentences.

2. During pendency of appeals, complainant party entered into compromise with co-accused Adnan and such compromise application was moved by them. After completion of required enquiry, the compromise application was allowed and vide order dated 28.07.2020, co-accused Adnan was acquitted under Section 345(6) Cr.P.C. However, on 11.01.2024 complainant party as well as appellant Ghulam Qadir Baloch also moved an application for permission to enter into compromise, which application was referred to the trial court with the direction to hold inquiry regarding the genuineness or otherwise of the compromise arrived at between the parties. Trial Court submitted report which reflects that legal heirs of deceased Muhammad have forgiven the appellant Ghulam Qadir Baloch in the name of Almighty Allah without any force and coercion. Report further reveals that out of five injured persons one injured namely Muhammad Hanif appeared before

trial Court and sworn affidavit of no objection whereas, remaining injured persons had not appeared before trial Court though repeated notices were issued to them.

3. Learned APG after thoroughly examining the inquiry report affirms the same and extends no objection with further plea that this case is not falling within the terms of *fasad fil arz*. Besides, counsel for the appellant contends that inquiry report reflects that some of the injured witnesses are not traceable. However, to that extent conviction may be maintained which sentence the appellant Ghulam Qadir Baloch has already served out. Further, legal heirs of deceased Muhammad appeared today as well as on the last hearing and they supported compromise application and have extended their no objection. Accordingly, compromise application is allowed. Resultantly, appellant Ghulam Qadir Baloch son of Ghulam Hussain is acquitted under section 345(6), Cr.PC in 302 PPC. However, with regard to sentence awarded by the trial Court for offence under section 337-F(vi) PPC to the appellant, it is upto three years and record reflects that the appellant has already served out such sentence. Accordingly, appellant Ghulam Qadir Baloch shall be released forthwith if not required in any other custody case.

Instant Criminal Appeal is disposed of in the above terms.

Sajid

JUDGE