

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Jail Appeal No. S-107 of 2023

(Saddam Hussain Lund & another Vs. The State)

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

1. For hearing of M.A No. 7640/20239 (345 (2) Cr.P.C)
2. For hearing of M.A No. 7641/2023 (345 (6) Cr.P.C)
3. For hearing of main case.

27-02-2024.

Mr. Imdad Ali Malik, advocate for the appellants.
Mr. Shafi Muhammad Mahar, Deputy P.G for the State

The appellants for having committed murder of Mst. Sughar under allegation of *Karap* were convicted u/s 302(b) r/w section 34 PPC and sentenced to undergo rigorous imprisonment for life as *Tazir* and to pay compensation of Rupees one million to the legal heirs of the deceased and in default in payment whereof to undergo simple imprisonment for 06 months with benefit of section 382 (b) Cr.P.C with an observation that no case u/s 311 PPC is proved against them by learned IInd Additional Sessions Judge, Mirpur Mathelo, vide judgment dated 19-09-2023 which they have impugned before this Court by way of the instant CrI. Jail Appeal.

On hearing of the instant CrI. 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 Mst. Sughar on her death was survived by the following legal heirs;

- | | | |
|----|--------------|----------|
| 1. | Dodo | Brother. |
| 2. | Ahmed Deen | Brother. |
| 3. | Chanesar | Brother. |
| 4. | Imam Deen. | Brother. |
| 5. | Mst. Saeedan | Mother. |
| 6. | Mai Nawaban | Sister. |
| 7. | Mst. Sadori | Sister. |

The legal heirs of the deceased being adults have pardoned the appellants by waving their right of “*Qisas*” and “*Diyat*” against them by recording such statements.

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.

Heard arguments and perused the record.

The compromise arrived at between the parties is appearing to be true and voluntarily without coercion or compulsion, it has not been objected by anyone; it is accepted in the best interest of the peace and brotherhood expected to be prevailed between them; 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 they shall be released forthwith, if is not required to be detained in 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