

**JUDGMENT SHEET**  
**IN THE HIGH COURT OF SINDH CIRCUIT COURT**  
**HYDERABAD**

Criminal Jail Appeal No.D-117 of 2023  
Confirmation Case No.D-29 of 2023

*Present:-*

*Mr. Justice Amjad Ali Sahito*

*Mr. Justice Khadim Hussain Soomro.*

Appellant: Soof Burdi through Ms. Urooj Aqeel,  
Advocate

Respondent: The State through Mr. Nazar Muhammad  
Memon, Deputy Prosecutor General  
Sindh.

Date of hearing: 24.10.2024.

Date of Judgment: 24.10.2024.

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

**Amjad Ali Sahito, J.** Through the above miscellaneous application being MA No.9879/2020, the parties have prayed to accord permission to compound the offence under section 345[2] Cr.P.C. and through application being MA No.9880/2020 prayed for acquittal of the appellant under section 345 [6] Cr.P.C.

**2.** Through impugned judgment dated 19.09.2023, passed by the learned trial Court / Additional Sessions Judge-IV/MCTC-II, Hyderabad in Crime No.78/2019 for the offences under sections 302, 324, 147, 148, 149, 114, 337-F (iii) PPC registered at PS Cantonment, Hyderabad, the appellant was convicted and sentenced to death and to pay compensation of Rs.3,00,000.00 [Rupees three hundred thousand] to the legal heirs of deceased for committing murder of Ali Muhammad, in case of failure, he shall undergo S.I for six months more. He was also convicted for the offence punishable u/s 324 P.P.C and

sentenced to suffer Rigorous imprisonment for five years with fine of Rs.20,000/- in default of payment of fine, accused will have to further undergo S.I for one month; for the offences punishable u/s 337-F(iii) sentenced to suffer Rigorous imprisonment for one year as Tazir, and directed him to pay Daman in the sum of Rs.50,000/- to the Sujawal, in case of failure to pay daman he shall be kept in Jail as simple imprisonment until the full payment of daman is made to the injured; for the offence punishable u/s 147 & 148 P.P.C sentenced to suffer imprisonment for one year with fine of Rs.20,000/-; in default of the same, he will have to further undergo S.I for 15 days. The benefit of section 382-B Cr.P.C was extended to the appellants.

**3.** The compromise applications are supported with the affidavits of legal heirs of both the deceased namely Mashooque Ali and Ali Muhammad. All the legal heirs have raised their no objection for acquittal of the appellant by stating that they have entered into compromise with them due to intervention of nekmards outside the Court and pardoned them the right of Qisas.

**4.** In order to ascertain the genuineness of the compromise between the parties, the compromise applications were sent to the trial Court for thorough inquiry into the matter. The learned trial Court vide its letter dated 09.10.2024 has submitted its report, wherein it is reported that deceased Mashooque Ali left his legal heirs namely Mst. Hajiani (widow) and Mst. Tanveeran w/o Ayaz (daughter) whereas, deceased Ali Muhammad left Mst. Noor Bano (widow), Ali Gul, Manthar, Imtiaz Ali and Dost Ali (sons) as his surviving legal heirs. During inquiry, it reflected that deceased Mashooque Ali had no any son, therefore, his brothers were called, as such, Dil Murad (complainant), Muhammad Ayoub, Gul Sher Ali and Gulzar Ali appeared before the trial Court and their statements were recorded. In their statements, all the legal heirs have categorically stated that they have pardoned the appellant in

the name of Almighty Allah and waived the right of Qisas and Diyat amount without any threat or pressure. Statement of injured Sujawal was also recorded, who also stated that he has made compromise with the accused without any threat or pressure.

**5.** All the legal heirs have accepted the compromise and stated it to be out of their own free will, consent and without any coercion and recorded their no objection if the appellant is acquitted from the charge. The learned trial Judge has also called reports from Mukhtiarkar and SHO concerned including NADRA, regarding legal heirs of deceased persons, who have also mentioned above mentioned legal heirs of both the deceased. Record also reflects that publication for inviting objections from the interested persons with regard to compromise between the parties was made in daily newspaper Kawish dated 29.09.2024 but nobody came forward to raise any objection before the trial Court.

**6.** Since the offence is compoundable. There is no objection for grant of compromise and acquittal of the aforementioned appellant as the legal heirs of deceased have pardoned the right of Qisas to the appellant in the name of Almighty Allah and do not claim any Diyat amount; injured Sujawal has also waived right of daman amount, hence, in order to keep cordial relations and harmony between the parties in future and strike off the enmity between them, the permission to compound the offence is allowed under section 345 [2] Cr.P.C. Resultantly, the compromise application is accepted and the appellant is acquitted of the charge under section 345 [6] Cr.P.C. The office shall issue release writ for the appellant to the concerned jail authorities.

**7.** As a result of above findings, the reference bearing No.29 of 2023 submitted by the trial Court for confirmation of death sentence to the appellant is answered in negative.

**8.** With above modification, Criminal Jail Appeal No.D-117 of 2023 preferred against the same impugned judgment is disposed of along with listed applications.

JUDGE

JUDGE

**\*Abdullah Channa/PS\***