

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO

Cr. Appeal No. S-99 of 2017

Date	Order with signature of Judge
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1. For hearing of M.A No.1440/2018 (U/S 345(4) Cr.P.C.)
2. For hearing of M.A No.1441/2018 (U/S 345(5) Cr.P.C.)
3. For hearing of M.A No.1442/2018 (U/S 345(6) Cr.P.C.)
4. For hearing of case.
5. For hearing of application U/S 426 Cr.P.C. on M.A No.3863/2017.

06-08-2018

Mr. Habibullah G. Ghouri, advocate for the appellant.

Mr. Sharafuddin Kaanhar, A.P.G.

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ORDER

Zafar Ahmed Rajput, J. Through instant criminal appeal, the appellant has called in question his conviction and sentence awarded to him through the impugned judgment dated 31.10.2017, passed by the learned VI-Additional Sessions Judge, Larkana in Sessions Case No.157 of 2010, arisen out of Crime No.14 of 2010, registered at Police Station Garelo, U/S 302,337-A(i) P.P.C. During pendency of the appeal, the legal heir of deceased Muhammad Yaqoob and appellant filed joint applications for compromise arisen out between them on their own accord and freewill without any pressure from any corner.

2. The application for compromise and affidavit sworn by the legal heirs of deceased were sent to the learned trial court i.e. Court of VI-Additional Sessions Judge, Larkana for verification of L.Rs and genuineness of compromise arrived at between the parties.

3. The report received from learned trial court vide letter bearing No.VI-ASJ-LRK-2050 dated 23.06.2018 reveals that the reports were called from the

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concerned quarters. As per report of concerned Mukhtiarkar, the deceased Muhammad Yaqoob left behind eight sons, four daughters and one widow as his surviving legal heirs (total 13 in number). Out of them, statements of eight legal heirs, namely, Altaf, Insaf, Mst. Rasheeda @ Shabeeran, Mst. Sughran, Mst. Dadli, Mst. Hajani @ Huzooran, Ameer Ali and Mst. Popri were recorded, Out of them Mst. Huzooran @ Hajani, Popri and Ameer Ali are minors below age of 18 years while legal heirs, Bilawal, Sijawal, Shahmeer and Nisar are being less than 12 years of age, therefore, their statements have not been recorded.

4. As per report of trial court, all major legal heirs of the deceased in their statements have categorically stated that they have entered into compromise with the appellant/accused Hyder Bux son of Khanan Zuhriani with their own accord without any fear, pressure and they have pardoned the appellant/accused in the name of Almighty Allah and the adult legal heirs have further stated that they have waived their right of Qisas as well as they do not claim any compensation.

5. Learned A.P.G records his no objection, however, he states that share of seven minors may be deposited in the court till their attaining age of majority by them.

6. Learned counsel for the appellant agrees with such proposal.

7. Perusal of the judgment reveals that the alleged offences are compoundable and as per inquiry report submitted by the learned trial court, the compromise between the parties appears to be genuine and without any coercion, pressure and duress from any corner and the major legal heirs have pardoned the appellant. Accordingly, application U/S 345(4) Cr.P.C is allowed, permission to compound the offence U/S 345(5) is accorded and as a result thereof, the application U/S 345(6) Cr.P.C stands allowed while accepting the



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compromise. The impugned judgment dated 31.10.2017 is set-aside. The appellant is acquitted in terms of compromise. He is directed to be released forthwith if he is not required in any other case, subject to deposition of share amount of Diyat of seven minors, namely, 1) Shahmeer, 2) Nisar, 3) Soobo @ Bilawal, 4) Sijawal, 5) Ameer Ali, 6) Mst. Huzooran @ Hajani and 7) Ameeran @ Popri with the Accountant of this Court as calculated by him as per applicable notification. The Accountant shall invest the amount of Diyat in favour of minors in some government profitable scheme, which shall be paid to the minors on attaining of their majority as per rules.

8. Instant Criminal appeal stands disposed of in the above terms.

Abdul Salam P.A