

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA**

**Cr. Appeal No. D-56 of 2024
Cr. Conf. Case No. D-34 of 2024**

PRESENT:

**Mr. Justice Amjad Ali Sahito
Mr. Justice Jan Ali Junejo**

1. For orders on M.A No. 2650/2025. (Urgency Application).
2. For order on office objection.
3. For hearing of M.A No. 2358/2025. (Appln. U/O 345(6) Cr.P.C).
4. For hearing of M.A No. 2359/2025. (Appln. U/O 345(2) Cr.P.C).
5. For hearing of main case.
6. For hearing of M.A No. 5596/2024. (Appln. U/S 426 Cr.P.C).

Appellants

1. Israr Ahmed Khoso
2. Niaz Ahmed Khoso
3. Manzoor Ahmed Khoso
4. Nisar Ahmed Khoso
5. Ali Hassan Khosos

Through Mr. Asif Ali Abdul
Razak Soomro, advocate

Complainant

Through Mr. Aftab Ahmed
Channa, advocate

The State

Through Mr. Ali Anwar Kandhro,
Additional Prosecutor General
for the State

Date of hearing

27-05-2025

Date of judgment

27-05-2025

J U D G M E N T

Amjad Ali Sahito, J.- Through the miscellaneous application being M.A No. 2358/2025, the parties have prayed to accord the permission to compound the offence under Section 345(2) Cr.P.C and through application being M.A No. 2359/2025 prayed for acquittal of the appellant Israr Ahmed under Section 345(6) Cr.P.C.

2. Through impugned judgment dated 21.09.2024, passed by the learned trial Court / Additional Sessions Judge-II, Kandhkot in

Crime No. 90/2022 for the offences under Sections 302, 324, 337-H(ii), 114, 148, 149 P.P.C, registered at Police Station Kashmore, the appellants were convicted and sentenced U/S 265-H(2) as under:-

1. For offence punishable U/S 302 P.P.C R/W Section 114 P.P.C & 149 P.P.C they all are sentenced to Death as Tazir with direction that each convict be hanged by the neck individually till he is dead subject to confirmation by Honourable High Court of Sindh, Circuit Court, Larkana in terms of Section 374 Cr. P.C 1898 as well as to compensate the legal heirs of deceased to the tune of Rs:10 million (one Crore) in terms of section 544-A Cr. P.C for payment to legal heirs of deceased Javed Ahmed. In case of failure to pay compensation convict at fault will also undergo S.I for 6 months more.
2. For offence punishable U/S 324 P.P.C R/W Section 149 P.P.C they are sentenced with R.I for 10 years and to pay fine of Rs.2,50,000/- (Rs. 50,000/- each convict). In case of failure to pay fine convict at fault will undergo S.I for 02 years more.
3. For offence punishable U/S 337-F(iii) P.P.C R/W Section 149 P.P.C. JGJ Mutalahimah) to pay Daman of Rs.5,00,000/- total (Rs:1,00,000/- each convict) for both injuries for payment to injured P.W Jameel Ahmed.
4. For offence punishable U/S 337-H(ii) P.P.C R/W Section 149 P.P.C they are sentenced to pay fine of Rs:1,00,000/- total (Rs:5,00,000/- each convict). In case of failure to pay fine convict at fault will undergo S.I for two week more.
5. For offence punishable U/s 148 P.P.C R/W Section 149 P.P.C, they are sentenced to pay fine of Rs.2,50,000/- (Rs.50,000/- each convict). In case of failure to pay fine, the convict at fault will undergo S.I for six months more.

3. The compromise applications are supported with the affidavits of legal heirs of the deceased. All the legal heirs have raised their no objection for acquittal of the appellant Israr Ahmed only by stating that they have entered into compromise with him due to intervention of nekmards outside the Court and pardoned him 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 24.05.2025 has submitted its report, wherein it is

reported that deceased Javed Ahmed left his legal heirs, namely, Ihsan Ahmed (father) and Mst. Shafait Khatoon (mother) as the deceased Javed Ahmed was un-married. However, the learned trial court recorded the statements of Ihsan Ahmed (father) and Mst. Shafait Khatoon (mother). In their statements, all the legal heirs have categorically stated that they have pardoned the appellant Israr Ahmed only in the name of Almighty Allah and waived the right of Qisas. 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 appellants are acquitted from the charge. The learned trial Judge has also called reports from Mukhtiarkar (Revenue), Taluka Kashmore, S.H.O P.S. Kashmore, Report of Secretary Town Committee Kashmore regarding legal heirs of deceased Javed Ahmed, who have also mentioned above mentioned legal heirs of the deceased. Record reflects that publication for inviting objections from the interested persons with regard to compromise between the parties was also made in newspaper but nobody came forward to raise any objection before the trial court.

5. On 08.05.2025, the legal heirs of deceased Javed Ahmed, namely Ihsan Ahmed (father) and Mst. Shafait Khatoon (mother) appeared in Court and have confirmed the contention of compromise applications and stated that they have entered into compromise with the appellant Israr Ahmed with their own freewill and consent and without any inducement. They have further stated that they excused the appellants Israr Ahmed without receiving Diyat amount. They have admitted their LTIs / RTIs, as the case may be, on the application for permission to compound the offence and compromise application in Court. All the legal heirs have raised no objection for acquittal of the appellant Israr Ahmed.

6. Learned D.P.G. has also recorded his no objection for allowing the appeal by way of compromise.

7. Since the offence is compoundable. There is no objection for grant of compromise and acquittal of the aforementioned appellant Israr Ahmed as the legal heirs of deceased have pardoned the right of Qisas to the appellant Israr Ahmed in the name of Almighty Allah without receiving Diyat 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.

8. In view of above, the compromise application is accepted. Impugned judgment dated 21.09.2024, passed by the learned Additional Sessions Judge-II, Kandhkot in Sessions Case No.129/2024 is set-aside to the extent of appellant Israr Ahmed only. The appellant Israr Ahmed is acquitted of the charge under Section 345(6) Cr.P.C. He shall be released forthwith if not required in any other case.

9. With above modification, Criminal Appeal No. D-56/2024, is partly allowed to the extent of appellant/accused Israr Ahmed along with listed applications.

10. For rest appellants/accused, the matter is adjourned to date in office. Cr. Conf. Case No. D-34/2024 is also adjourned to date in office.

J U D G E

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Abdul Salam/P.A