

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

Criminal Appeal No.S-192 of 2024

Present:
Justice Amjad Ali Sahito.

Appellants: 1. Muhammad Ali S/o Sabhago,
2. Nizam Din S/o Uris Umrani,
Through Mr. Tarique Mehboob, Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani,
D.P.G.

Complainant: Rab Nawaz S/o Sher Dil Khan Bugti.

Date of hearing: 30.09.2025

Date of Order: 30.09.2025

O R D E R

Amjad Ali Sahito, J: By this order, I intend to dispose of aforementioned Criminal Appeal arising from the impugned judgment dated 11.07.2024 passed by the learned Additional Sessions Judge-I/MCTC, Sanghar, in Sessions Case No.213 of 2022, bearing Crime No.22/2022 for offence under Sections 302, 427, 504, 148 and 149 P.P.C of P.S Sanghar whereby the appellants were convicted and sentenced as under:-

The accused namely Muhammad Ali and Nizamuddin are sentenced to Suffer Rigorous Imprisonment for life for the offence U/S 302 (b), 149 PPC. They are also burdened with Rs.5,00,000/- each (Rupees Five lac each) as compensation in terms of Section 544-A Cr.P.C, which if recovered shall be given to the legal heirs of deceased Mst. Benazir. In default of which, each accused shall undergo S.I. for six months more.

They are also convicted and sentences for the offence U/s 427, 504, 148, 149 P.P.C as under:-

- i. For an offence U/s 427, 149 PPC to suffer R.I for two years each.
- ii. For an offence U/S 504, 149 PPC to suffer R.I for one year each.
- iii. For an offence U/S 148 r/w Section 149 PPC to suffer R.I for two years each.”

However, benefit of Section 382-B Cr.P.C was awarded to the appellants.

2. This appeal was admitted for hearing, but during pendency, the parties have been patched up outside of court. The complainant and remaining legal heirs of the deceased, filed compromise application along with application under section 345 (2) Cr.P.C and under section 345(6) Cr.P.C and prayed for acquittal of the appellants under section 345 [6] Cr.P.C. Meanwhile, counsel for the appellants filed Application under section 310 P.P.C., to appoint Nawaz Sharif as *Wali* of **Minors Naveed, Farhan and Shahida** (father of minors) to affect the compromise on their behalf. This application has not been opposed by any of the parties present in Court and there does not impede allowing Nawaz Sharif to represent them to enter into a compromise with the appellants, who is the natural guardian of the **Minors**, as the offence is compoundable. However, the share of the *Diyat* amount of the **Minors** cannot be waived on his behalf, therefore, the appellants have already deposited the share of the *Diyat* amount of Rs.36,67,000/- of the **Minors** with the Accountant of this Court; therefore, this application is allowed.

3. This court vide order dated 25.03.2025 referred the compromise applications to the trial Court to ascertain the genuineness of the compromise with direction to submit compliance report. In compliance of such order, the trial Court submitted his report dated 08.05.2025.

4. The report mentions that reports were called from the Mukhtiarkar Taluka Sanghar, Secretary Union Council Kot Nawab, Taluka Sanghar, Assistant Director/Incharge (V&R) NADRA RHO Sukkur and S.H.O of P.S Sanghar regarding legal heirs of deceased Mst. Benazir D/o Gul Sher Umrani, who disclosed the names of L.Rs of the said deceased as under:

S.No.	Name of Legal Heirs	Relationship	Date of Birth
01	Nawaz Sharif	Husband	01.01.1985
02	Minor Naveed	Son	Age about 08 years
03	Minor Farhan	Son	Age about 06 years

04	Minor Shahidan	Daughter	Age about 4 ½ year
05	Gulsher	Father	1968
06	Mst. Moran	Mother	1970

5. The report confirms that the deceased, Mst. Benazir, left behind six legal heirs. The report also includes statements of the complainant Rab Nawaz Bugti and major legal of deceased namely Nawaz Sharif, Gul Sher and Mst. Mooran, who confirm that they have voluntarily compromised with the appellants without any pressure or coercion. They have also waived their share of the *Diyat* amount.

6. It is not out of place of mention here that this court vide order dated 02-05-2025 directed the learned trial court to record the statement of Mukhtiarkar (Revenue) Taluka Sanghar, Secretary Union Council Kot Nawab Taluka Sanghar, SHO P.S Sanghar and Assistant Director (V&R) NADRA RHQ Sukkur to confirm and verify their reports submitted in connection with the compromise applications filed in the offence of capital punishment. On such direction, the learned trial court submitted compliance report vide letter No. 632 dated 08-05-2025, stating therein that in compliance of directions statements of Mr. Yaseen Mustafa Chandio, Mukhtiarkar (Taluka) Sanghar; Mr. Asif Ali Siddiqui, Secretary Union Council Kot Nawab Taluka Sanghar; Fida Hussain Mansoori, Assistant Director/ Incharge NADRA Centre, Sanghar and Inspector Gulzar Ali Mari, SHO P.S Sanghar, were recorded, who in their respective statements before the learned trial court have confirmed the contents of their reports.

7. Per learned counsel, the parties involved in the case have reached a compromise outside of court. The complainant and adult legal heirs of the deceased have forgiven the appellants and waived their right to Qisas (retribution) as well as *Diyat*. However, the learned D.P.G stated that *Diyat* cannot be waived on behalf of the **Minor** legal heirs of the deceased.

8. The appellants have deposited amount of *Diyat* of minors **Naveed, Farhan and Shahida**/legal heirs of the deceased i.e. Rs.36,67,000/= with the office of the Accountant of this Court

and submitted such receipt. The A.R of this court/concerned officer or accountant of this court is directed to invest this amount in a profitable government scheme in the name of **Minor Naveed, Farhan and Shahida** legal heirs of the deceased and disburse it to them when they attained the age of majority.

9. In view of the above, the learned D.P.G also raised no objection to this compromise on the premise that the offence is compoundable and the complainant so also legal heirs have sworn their affidavits of compromise, with request that this court may be pleased to accept the compromise, and acquit the appellants from the charge.

10. Since the offence is compoundable. There is no objection for grant of compromise and acquittal of the aforementioned appellants as the legal heirs of deceased have pardoned the right of Qisas to the appellants in the name of Almighty Allah, 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, as such, the impugned judgment dated 11.07.2024 passed by the learned Additional Sessions Judge-I/MCTC, Sanghar is set aside. Consequently, appellants namely Muhammad Ali S/o Sabhago and Nizam Din S/o Uris Umrani are hereby **acquitted** under Section 345(6) Cr.P.C in Sessions Case No.213/2022 bearing Crime No.22/2022, under sections 302, 427, 504, 148 and 149 P.P.C of P.S Sanghar. The appellants are in custody, they be released forthwith, if not required in any other custody case.

11. In the above terms, instant Criminal Appeal No.S-192 of 2024, along with pending applications if any stands disposed of.

JUDGE