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

Criminal Revision Application No.8-25 of 2024

**Imdad Hussain and another
V/S
The State**

Applicants:	Through Mr. Sajid Hussain Mahesar, Advocate
Complainant:	Through Mr. Farooq Ahmed Gaad, Advocate
State:	Through Mr. Ali Anwar Kandhro, Additional Prosecutor General, Sindh.
Date of Hearing:	13.01.2025
Date of Decision:	13.01.2025

ORDER

Omar Sial, J.- The applicants, Imdad and Shahid Hussain, are both in jail being accused of the murder of Ghulam Hussain in a case arising out of F.I.R. No. 29 of 2022 registered at the Tangwani police station. During the trial, the legal heirs of the deceased forgave the accused and compounded the offense. The third accused in the case was Rehmatullah, who was released after he had paid the entire diyat amount. Through the order impugned, the learned 1st Additional Sessions Judge, Kandhkot, declined to release the applicants until they had paid the share of diyat due to two minor children of the deceased.

2. I have heard the learned counsels for the applicants and the legal heirs of the deceased, as well as the learned Additional Prosecutor General.

3. At the outset, learned counsel for the applicants and the learned Additional Prosecutor General pleaded that the case be remanded back to the learned trial court as the order was not complete. They submitted that the record reflects that the learned trial court did not conduct an inquiry to determine the deceased's heirs. They also submit that neither the total diyat amount payable was calculated nor were the shares of

each legal heir determined. In addition, the learned counsel for the applicants argued that the diyat was to be paid once, and when Rehmatullah had paid the entire amount earlier, the remaining two accused were not liable to pay any amount. This aspect according to learned counsel was not considered.

4. The learned trial judge was correct in being concerned that the share of the minors should be protected. The learned counsel and the learned Additional Prosecutor General are also correct in what they have stated above. In particular, the impact of Rehmatullah allegedly having paid the entire diyat amount to the legal heirs of the deceased must be addressed. I would be happy to address this point, but that would mean that the parties would lose one forum to redress their grievance. Therefore, it would be appropriate to remand back the case to enable the learned trial judge to re-visit the application. Order accordingly.

Application stands disposed of.


13/11/25
JUDGE