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ORDER SHEET  
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA  
Crl. Jail Appeal No. S- 69 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1.For Hearing of M.A No.3817 /2017 (345 (5))
- 2.For Hearing of M.A No. 3818/2017 (345 (6))
- 3.For Hearing of application 426, Cr.PC on M.A No.529 /2012
- 4.For Hearing of Case.

08.01.2018

Mr. Safdar Ali G. Bhutto, Advocate for the Appellant.  
Miss Rubina Dhamrah, ADPP for the State.

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## ORDER

**ADNAN-UL-KARIM MEMON, J.** Present appeal is directed against the impugned Judgment dated 10.02.2010 passed by learned VI-Additional Sessions Judge, Larkana in Sessions Case No.601/2003 Re: State Vs. Mazhar Ali and others, arising out of crime no 27/2003 of police station Garello vide which the learned Judge has convicted the Appellant under Section 302(b) P. P. C. by sentencing him to life imprisonment and to pay fine of Rs.50,000/-, to the legal heirs of deceased and in case of default of payment of fine, he shall suffer R.I for six months more with benefit of section 382-B Cr.P.C. The Appellant being aggrieved by and dissatisfied with the impugned judgment has preferred the present Appeal.

2. During pendency of this Appeal, the Appellant filed Application under Section 345 (5) Cr.P. C.(M.A. No.3817/2017) and Application under Section 345 (6), Cr.P.C.(M.A No. 3818/2017) for compounding the offence with the legal heirs of deceased Talib Hussain. The said Applications were forwarded to learned trial Court for holding enquiry regarding genuineness of the said compromise. The learned VI-Additional Sessions Judge, Larkana submitted his report dated 18.12.2017 in compliance of order dated 21.11.2017 passed by this Court which is taken on record (available at Page No.69 of the file). The relevant portion of the report is re-produced herein blow.

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“The legal heirs of the deceased Talib Hussain Bhand who appeared before this Court are majors/adults. During course of enquiry the legal heirs of the deceased Talib Hussain namely Irshad Ali, Barkat Ali, Mst. Hanifan Khatoon, Mst. Siyani Khatoon, Mst. Jamul Khatoon, Yasmeen, Mst. Moomal (Statements recorded at Exs.01 to 07) were fair enough to state that they have compounded the offence with the appellant/applicant/accused Mazhar Bhand and being legal heirs of the deceased Talib Hussain Bhand they have forgiven the appellant/applicant/accused Mazhar Bhand in the name of Almighty Allah and they have no objection if he is acquitted in view of the compromise.

The legal heirs of deceased Talib Hussain who appeared before this Court and got recorded their respective statements during enquiry, have rendered their no objection if the appellant/applicant/accused Mazhar Bhand is acquitted in view of the compromise.”

3. The above mentioned report of learned VI-Additional Sessions Judge, Larkana explicitly show that the legal heirs of deceased Talib Hussain have compounded the offence with the Appellant and they have forgiven him in the name of Almighty Allah and recorded their no objection to the acquittal of Appellant. Record further reveals that the legal heirs of deceased Talib Hussain appeared before the learned trial Court, got their statements recorded and registered no objection.


4. All the legal heirs of deceased Talib Hussain namely 1.Mst. Hanifan (widow), 2.Mst.Janul Khatoon(daughter) 3.Mst. Yasmeen (daughter) 4.Mst.SainKhatoon(daughter) 5.Mst. Moomal (daughter) 6.Barkat Ali (son) and 7.Irshad Ali (son) are present in Court and make categorical statement that they have compromised with the Appellant Mazhar Ali with their own freewill without any coercion and pressure and that they have forgiven the Appellant in the name of Almighty Allah in order to create good relationship amongst themselves.

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5 Learned ADPP for the State has conceded that the instant compromise application may be accepted in the best interest of justice.

o This Court is satisfied with assertion of the parties and compromise arrived between the legal heirs of deceased Talib Hussain and Appellant Mazhar Ali under section 345 (6), Cr.P.C.. In view of the above legal position and circumstances of the case the compromise application is allowed in the terms of statements made by the legal heirs of deceased before this Court today that is, 08.01.2018. Consequently, the Appellant namely Mazhar Ali son of Madad Ali is acquitted from the charge under Section 345 (6), Cr. P. C. and is directed to be released forthwith in Crime No.27/2003 of Police Station Gerello, if, he is not required in any other case.

7. The instant appeal is disposed of along with listed applications in terms of compromise applications.

 8/1/2018  
Judge