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Phone: 9212310.

NO: Cr. Petition 04-K OF 2016
SUPREME COURT OF PAKISTAN

Karachi, the 9th July, 2016

From:

The Senior Court Associate,
Supreme Court of Pakistan,
M.R. Kayani Road,
Karachi.

FORWARD TO 552
BRANCH CRL
DATE 16/7/16
HIGH COURT OF SINDH
KARACHI

To,

The Registrar,
High Court of Sindh,
Karachi.

SUBJECT:- CRIMINAL PETITION NO:04 - K OF 2016
(The State, thr. P.G. Sindh Vs.
Muhammad Haroon)

On appeal from the Judgment/Order of
the High Court of Sindh, Karachi.
Dated:11-12-2015, in Cr. Rev. Appln.
No.46/2007.

I am directed to enclose herewith for information & necessary
action a certified copy of the Order of this Court dated:22-06-2016, Dismissing
the above cited Criminal Petition.

2. I am further directed to return herewith the original record of the
High Court of Sindh Karachi, received in this Court under cover of your letter
No:Cr. Rev. Appln. 46/2007, dated:03-02-2016.

3. The receipt of this letter along-with its enclosure may kindly be
acknowledged.


(SYED ZAFAR ALI)
Sr. Court Associate

Encl:- 1. Certified copy of Order.
2. R & Ps. No.Crl.. Rev. Appln. 46/2007.

1. 247

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Gulzar Ahmed
Mr. Justice Maqbool Baqar
Mr. Justice Khilji Arij Hussain

Criminal Petition No. 4-K of 2016

(Against the impugned judgment dated 11.12.2015
passed by the High Court of Sindh at Karachi in
Cr. R.A.No. 46 of 2007)

The State through Prosecutor General Sindh.....Petitioner

Versus

Muhammad Haroon.....Respondent

For the Petitioner : Mr. Saleem Akhtar Addl. P.G.
Mr. Zafar Ahmed Khan Addl. P.G.

For the Respondent : Nemo

Date of hearing : 22.06.2016

ORDER

Maqbool Baqar, J.- In the instant case, the learned trial Court, while allowing application under Section 345(6) Cr.P.C for acceptance of compromise in terms whereof the complainant in the case has pardoned the applicant, directed the applicant to deposit the amount of Diyat in respect of the injured and it was on account of his inability to deposit Diyat amount that the applicant languished in jail for about eight years.

2. Admittedly, the amount of Diyat is payable as compensation to the heirs of the victim by the person convicted of the murder of the victim. Section 299(e) PPC defines the term "Diyat" as the compensation specified in Section 323 payable to the heirs of the victim. There is no provision for payment of Diyat for an injury, nor any Diyat is payable for

ATTESTED


Senior Court Associate
Supreme Court of Pakistan
Karachi.

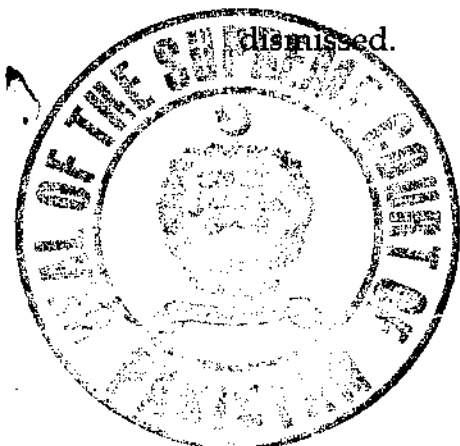
an attempt to commit qatl-e-amd. In the present case, the applicant was accused of causing injury on the head of the victim, (who is an insane person) and as recorded in the impugned judgment, the same falls under Section 337(2)(a) to (f) PPC, whereas, as per Schedule-II of Cr.P.C, the same comes within the category of compoundable offences. Furthermore, Section 324 PPC also does not impose any condition hampering the possibility of a compromise in terms of Section 345(6) Cr.P.C by the person, who may otherwise be competent to compound the offence on behalf of an idiot or an insane injured, as provided in terms of sub-Section (4) of Section 345 Cr.P.C.

3. In view of the foregoing, there should have been absolutely no doubt that in the present case, the applicant was not liable to pay any Diyat, and the matter could have been compromised without a condition for such payment. However, it seems that the counsel for the parties did not assist the Court properly and in the circumstances, the learned High Court has rightly ordered for refund of the Diyat amount and for payment of compensation by the counsel to the applicant.

4. We find no merits in the instant petition, which is accordingly

dismissed.

Sd/= Gulzar Ahmed, J
Sd/= Maqbool Baqar, J
Sd/= Khilji Arif Hussain,



CERTIFIED TO BE TRUE COPY

[Signature]
Senior Court Associate
Supreme Court of Pakistan
Karachi.

Karachi.
Wasing P.

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