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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE MUSHIR ALAM
MR. JUSTICE MAQBOOL BAQAR

Crl.M.A.211-K/2019 in Crl.P.163-K/2018
(Application for permission to compromise)

AND

CRIMINAL PETITION NO.163-K OF 2018

(Against the order dated 14.11.2018 passed by High Court of Sindh at Karachi, in Criminal Appeal No.367/2010)

Muhammad Yousif s/o Taj Muhammad Dars ...Petitioner(s)

VERSUS

The State ...Respondent(s)

For the Petitioner(s): Mr. Mahmood Akhtar Qureshi, ASC
Mr. Ghulam Rasool Mangi, AOR

For the State: Mr. Zafar Ahmed Khan, Addl. PG Sindh

Date of Hearing: 21.02.2020

O R D E R

MUSHIR ALAM, J.— Precisely stated facts of the case are that the petitioner faced trial in case FIR No.17/2007 dated 01.04.2007, registered at Police Station Ghorabari, District Thatta, for the offences under Sections 302, 337-H(ii), 504/34 PPC; the learned Trial Court after holding trial and recording of evidence *vide* judgment dated 11.08.2010 convicted the petitioner under Section 265-H(2) Cr.P.C. for the offence under Section 302(b) PPC for committing murder of deceased Nawab Ali and sentenced him to life imprisonment (RI). He was also extended benefit under Section 382(b) Cr.P.C. On appeal, the learned High Court of Sindh has dismissed his appeal *vide* impugned judgment dated 14.11.2018.

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2. Cr.M.A. 211-K/2019 was filed on behalf of the petitioner for the disposal of the petition on the basis of compromise, which has been effected between the petitioner and the legal heirs of the deceased. The same was sent to the concerned Sessions Judge *vide* order of this Court dated 27.12.2019, for verification and genuineness or otherwise of the compromise. The report of the Sessions Judge Thatta, after recording of the statements of the legal heirs, has been received stating that the compromise has been effected between the parties.

3. Learned Additional Prosecutor General Sindh present in Court has no objection on the compromise.

4. In view of the composition of the offence noted above the compromise shall, in terms of Section 345(6) Cr.P.C., have the effect of an acquittal of the petitioner. Accordingly, Crl.M.A. No.211-K/2019 is allowed with the consequence that Criminal Petition No.163-K/2018 is converted into appeal and also allowed in terms noted above and the petitioner shall be released forthwith, if not required in any other case.

Judge

Judge

KARACHI
21th February, 2020
Mudassar/*

"Not approved for reporting"

21/2/2020