

**IN THE SUPREME COURT OF PAKISTAN**

(Appellate Jurisdiction)

**PRESENT:**

Justice Naeem Akhter Afghan  
Justice Muhammad Hashim Khan Kakar  
Justice Ishtiaq Ibrahim

**Criminal M.A. No. 933 of 2044**

**In**

**Jail Petition No. 387 of 2022**

Ali Raza

**Applicant/Petitioner**

**Versus**

The State

**Respondent**

For the Petitioner:

Mr. Muhammad Usman Khan Turlandi, ASC  
(through video link from Peshawar)

For the Respondent:

Nemo

Date of Hearing:

02.05.2025

**ORDER**

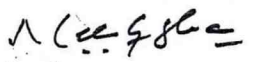
Learned counsel for the petitioner drew attention of this court to the compromise submitted by the petitioner with legal heirs of the deceased. The compromise was sent for verification to the learned Judge ATC-I, Peshawar who has transmitted his report dated 12<sup>th</sup> October 2024 confirming that father of deceased Muhammad Shoaib has passed away and his surviving legal heirs include his mother Mst. Shabina, his brother Muhammad Zohaib Wahab (adult) who have appeared before him and they have asserted the contents of the promise with the statement that they have entered in the same voluntarily and without any coercion. However, the report confirms that apart from the above two legal heirs, the deceased Muhammad Shoaib is also survived by minor brother Muhammad Shahab aged about ten years, minor sister Ansa Mehak aged about fifteen years but their right to the share of *Diyat* amount has not been secured in any manner by the petitioner. When confronted with above, learned counsel for the petitioner conceded that the mother, brother and sister of the deceased Muhammad Shoaib are his legal heirs and admitted that the petitioner has not made any arrangement for paying the share of *Diyat* amount of the minor brother and sister of deceased Muhammad Shoaib.

In view of above circumstances, learned counsel for the petitioner stated that he will press the petition on merits as the petitioner has also

been convicted and sentenced under section 365-A PPC and 7-ATA which are non-compoundable offences and the compromise was filed only to the extent of his conviction and sentence under section 302 (b) PPC.

2. At this stage, one Mr. Asad appeared with the statement that co-convict Yasir Shehzad has also challenged his conviction and sentence arising out of the same judgment by filing appeal through Superintendent District Jail but same has not been fixed today.

3. Office is directed to make probe and to fix the appeal of the convict Yasir Shehzad (if filed) alongwith the instant petition on the next date. Adjourned.

  
Judge

  
Judge

  
Judge

**Islamabad**  
2nd May, 2025  
Atif\*/