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IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II ORAKZAI AT
BABER MELA

Sessions Case No. ½ of 2020

Date of institution: 17-01-2020

Date of decision: 22-04-2020

State vs Abdullah etc

FIR No. 44 Dated 07/12/2019 u/s 302/34 PPC PS Lower Orakzai.

Order

22/04/2020

Accused Abdul Shareef in custody not produced as a protective measure against COVID-19 however his blank warrant received while accused Abdullah on bail present. Mr. Sanna Ullah Khan Advocate, counsel for complainant present. Syed Amir Shah APP for the state present.

Brief facts of the case are that the accused Abdul Shareef and Abdullah are charged by the complainant Muhammad Sadique s/o Mesri Khan in case FIR No. 44 Dated 07/12/2019 u/s 302/34 PPC PS Lower Orakzai for the murder of Mesri Khan s/o Afzal Khan through fire arm weapons. The case was investigated and after completion of investigation complete challan was submitted against the accused for trial against them which was received by this court on 17-01-2020. The accused were summoned. The accused Abdul Shareef being in custody was produced from the jail where is accused Abdullah on bail also appeared before the court and after compliance of provision of section 265 Cr.PC charge was framed against both the accused on 28-01-2020 to which the accused pleaded not guilty and claimed trial.

On 28-02-2020 the parties submitted before the court that compromise has been affected between them and sought time for compromise therefore they were allowed to submit compromise documents

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and produced legal heirs of deceased before the court for compromise statement. The deceased Mesri Khan was survived by a widow namely Mst: Nouroza Bibi, five sons and four daughters namely Sartaj Aziz, Saif Ullah, Muhammad Sadique, Zain Ullah, Sahib Ullah, Mst: Parveen Bibi, Esahel Bibi, Rasheeda Bibi and Shazia Bibi respectively. Among the legal heirs Zain Ullah, Sahib Ullah and Shazia Bibi are the minor legal heirs of deceased Mesri Khan.

On 11-03-2020 Mst: Parveen Bibi, Mst: Esahela Bibi and Rasheeda Bibi (Daughters of deceased Mesri Khan) appeared before the court and stated at the bar that they have affected compromise with both the accused and recorded their compromise statement wherein they Stated that the deceased Mesri Khan was their real father and they are the legal heirs of deceased Mesri Khan. The deceased is survived by five sons and four daughters. Their sister namely Waas Bibi has been died and the mother and father of the deceased has also been died and no more alive. The accused Abdul Shareef and Abdullah are charged for the murder their father vide case FIR No.44 Dated 07/12/2019 u/s 302/34 PPC PS lower Orakzai (Kalaya).

Now through the intervention of the elders of the locality they have patched up the matter with both the accused and affected compromise with them. They have pardon both the accused in the name of Almighty Allah and have waived of their right of Qisas and Diyat and they have no more interested in the case against the accused. They have affected compromise with their free will and consent without any fear and coercion. They are relative inter se and the compromise is in their best interest which will bring peace and harmony among them being relative inter se. They have got no objection if the accused

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of legal heirs of deceased and to this effect submitted certificate Ex.PC duly thumb impressed by them. All the legal heirs of deceased stated that they have affected compromise with their free will and consent which will bring peace and harmony between them being relative inter se.

The accused deposited Diyat amount for the minor legal heirs namely Zain Ullah, Sahib Ullah and Mst: Shazia Bibi to the extent of their shares in the Diyat amount of Rs. 2320202/-. For the minor sons Rs. 290500/- each and for minor daughter of deceased Rs. 145500/- was deposited in the shape of saving certificates purchased from National Saving Center. The original saving certificates were handed over to the accountant/Nazir of Sessions Court Orakzai for keeping the same in safe custody whereas the photo state copies of the same are placed on file. The minor legal heirs of deceased shall be entitled to receive the amount on production of the saving certificates in the National Saving Center concern on attaining their age of majority.

All the surviving legal heirs of deceased affected compromise with the accused with their free will and consent and they are satisfied with the compromise. The parties are relative inter se and the compromise will bring peace and harmony among them. Furthermore, the offence for which the accused are charged is also compoundable and the legal heirs of deceased are no more interested to proceed with the trial of the case against the accused, therefore keeping in view the compromise statement of legal heirs of deceased the compromise is accepted and the accused Abdul Shareef and Abdullah are acquitted on the basis of compromise in the instant case from the charges leveled against them. The accused Abdullah who is on bail, his

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sureties are discharged from the liability of bail bonds. The accused Abdul Shareef is in custody, he be released forthwith if not required in any other case.

Case property be dealt with in accordance with law. File be consigned to District Record Room Orakzai after necessary completion and compilation.

Announced
22/04/2020



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(SHAUKAT ALI)
Addl: District & Sessions Judge-II,
Additional Sessions Judge-II,
Orakzai at Babar Mela