

IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN, AT
GILGIT

Cr. Misc. No. 02/2012 in Cr. Appeal No. 05/2011

Before: - **Mr. Justice Raja Jalal-ud-Din, Judge.**
Mr. Justice Muzaffar Ali, Judge.

1. Fareed Alam s/o Wazir Khan
2. Sardar Hussain s/o Muhammad Ayub
3. Mohammad Sajjad s/o Dolat Aman rs/o Napurah
Gilgit Tehsil & District Gilgit.

Petitioners

Versus

The State

Respondent

PETITION FOR LEAVE TO APPEAL UNDER ARTICLE 60 OF GILGIT-BALTISTAN (EMPOWERMENT AND SELF GOVERNANCE) ORDER, 2009, AGAINST THE JUDGMENT PASSED BY HONORABLE GILGIT-BALTISTAN CHIEF COURT IN CRIMINAL APPEAL NO. 9/2010, WHEREBY DEATH SENTENCE AND FINE OF RS.200,000/- AWARDED BY ANTI TERRORISM COURT HAS BEEN UP HELD.

APPLICATION FOR LEAVE TO SEEK PERMISSION FOR COMPOUNDING THE OFFENCE UNDER SECTION 345 Cr.P.C AND RELEASE OF CONVICTS/PETITIONERS ABOVE NAMED ON THE GROUND OF COMPROMISE AFFECTED BETWEEN THE PETITIONERS AND COMPLAINT PARTY.

Date of Hearing: - 07-03-2013.

ORDER

RAJA JALAL-UD-DIN.....J, An application was preferred to seek permission for compounding the offence and release of the convicts/petitioners on the grounds of compromise.

The petition was moved by the complaint namely Abdul Manan s/o Abdul Majeed and Wazir Khan s/o Ghulab resident of Napurah Basin, with the request to seek permission to compound the offence u/s 345 Cr.P.C. and release of convicts/Petitioners.

The Chief Judge sought the report regarding the genuineness of the compromise effect between the concerned parties from the ATA, Judge No. 1 Gilgit-Baltistan, and also directed that the legal heirs of the deceased may be summoned and their statements may be recorded in this regard. It was also directed that proper verifications of the legal heirs and to safeguard the rights of minor legal heirs and their interest to be kept in mind.

The trial court ATA Judge complied with the order of the Court and did the needful. He recorded the statements of the Jirgah members alongwith the statement of the heirs of the deceased. The report of the compromise is perused and placed on file alongwith the statements of the concerned individuals. Today the legal heirs of the deceased namely Wazir son of Gulab Shah, brother of deceased Rafiq alongwith Abdul Manan son of Abdul Majid father of the deceased are present, who again verify the genuineness of the compromise and submit that they have no objection if the accused are released from the Judicial lock up on the basis of the compromise effected.

The Jirgah members present in court also assured that they are confident that the compromise between the parties is genuine and shall be long lasting and also peace and tranquility shall prevail in the area.

Going through the contents of the file and statements of the concerned individuals alongwith the surety and confidence

of the Jirgah members, we feel that it is a good case for compounding the matter. We have no hesitation in ordering the release of accused from the Judicial lock up in the case vide FIR No. 78/2009 police station City Gilgit under section 302/34/109 P.P.C read with section 6/7 ATA 1997. The case was convicted by the ATA Court on 5th July 2010, which was upheld with order of Chief Court Gilgit-Baltistan on 28-6-2011, which is pending appeal in this court.

The matter regarding the conviction of three convicts/petitioners under section 13 A.O. 1965 is also to be looked into. The three convicts/petitioners had been sentenced to 7 years rigorous imprisonment.

Looking at the merits of the case and the matter the convicts/appellants are also acquitted from the said charges also. The convict/petitioners are acquitted from the charges under section 302/34, 114 P.P.C and sections 6/7 ATA 1997 and also FIR No. 91/2009 Police Station Gilgit and also from the charge of 13 A.O of 1965 vide FIR No. 9, 91 and 92/2009. The petitioners may be released from the Judicial lock up if not required in any other case. The petition is disposed of accordingly.

Announced.

07-03-2013

Judge

Judge