

**IN THE SUPREME APPELLATE COURT GILGIT- BALTISTAN  
GILGIT.**

**Cr. Misc. No. 07/2014 in  
Under objection No. 43/2014.**

**Before:-**

1. Mr. Justice Raja Jalal- Ud- Din, Judge.
2. Mr. Justice Muzaffar Ali, Judge.

Muhammad Riaz

**Petitioner.**

**Versus**

The State.

**Respondent.**

**Present:-**

1. Malik Haq Nawaz Sr. Advocate along with Haji Jamal Khan AoR on behalf of petitioner.

**APPLICATION FOR PERMISSION TO COMPROMISE  
BY THE PARTIES.**

**CHARGE UNDER SECTION 302/34 PPC VIDE FIR NO. 02/2008  
POLICE STATION THORE AND SECTION 13 AO VIDE FIR NO.  
03/2008 POLICE STATION THOR.**

**PETITION FOR LEAVE TO APPEAL UNDER ARTICLE 60 OF GILGIT-  
BALTISTAN EMPOWERMENT AND SELEF GOVERNANCE ORDER  
2009.**

**DATE OF HEARING:- 02-09-2014.**

**ORDER.**

The petitioner Muhammad Riaz s/o Jahngir R/o Thore chilas District Diamer had been convicted under Section 302/34 vide FIR No. 02/2008 Police Station Thore Tehsil Chilas District Diamer by the Division Bench of Chief Court vide order dated 11-09-2013. He has been sentenced to life imprisonment and he has also been sentenced to 07 years rigorous imprisonment with fine of Rs. 5000/- under section 13 Armed Ordinance Vide FIR No. 03/2008 Police Station Throe Tehsil Chilas District Diamer.

Appeal has been preferred against the order of the GB Chief Court dated 11.09.2013. Meanwhile, the parties have patched up

the matter through the elders and notables of the area and an application has also been moved in this Court in this regard.

This Court vide order<sup>4</sup> dated 19.08.2014 directed the trial Court i.e. Additional District and Session Judge Chilas to inquire into the matter regarding the genuineness of the compromise between the parties. The Additional Sessions District Judge Chilas complied with the order of this Court and recorded the statements of the parties and submitted his recommendation to this Court vide his report dated 28-08-2014. IN his order the additional Sessions Judge District Diامر has confirmed the genuineness of the compromise between the parties and the complainant party has pardoned the accused for the sake of Almighty Allah. He further reports that the complainant party has no objection if the convicted party is acquitted on the basis of the said compromise.

The Trial Court has also checked the identities and scrutinized the photocopies of the National Identity Cards ( NICs) and has also placed the said copies on the file.

In this circumstance, we also accept the said compromise to be genuine.

However , the conviction under 13 Armed Ordinance whereby the convict has been convicted for 07 years rigorous imprisonment in addition of fine amounting to Rs. 5000/= . In this regard Counsel for the parties pleaded that the accused has spent 5 years and 08 months in the judicial loc- up. The same may be considered in his favour. We deem it proper that the period of 05 years and 08 month is enough time spent behind bar the remaining period is deemed to have been undergone. However, the fine of Rs. 5000/ = stands as it is. The same shall be deposited in the Government treasury and the challan shall be placed on the record of this Court. The convicted person i.e. Muhammad Riaz is acquitted from the charge of murder under Section 302/34 vide FIR No. 02/2008 Police Station Thore and the conviction under Section 13 A.O.Vide FIR No. 03/2008 Police Station Thore Tehsil Chilas District Diامر in the case titled State versus Muhammad Riaz etc vide order date 11-09-2013 passed by the Gilgit- Baltistan Chief Court will deemed to have been served.

He shall be released forthwith if he is not required in any other case.

The case is accordingly disposed of on the basis of the compromise.

**Judge.**

**Judge.**