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**IN THE COURT OF ASGHAR SHAH**  
SESSIONS JUDGE, ORAKZAI AT BABER MELA

SESSION CASE NO. : 13/2 OF 2019

DATE OF INSTITUTION : 31.01.2020

DATE OF DECISION : 07.07.2020

STATE THROUGH MUHAMMAD SHAFIQ SHO, POLICE  
STATION LOWER ORAKZAI

------(Complainant)

VS

SAEED ALI S/O MUREED ALI, TRIBE MANI KHEL, SUB-TRIBE  
SABZI KHEL, KALAT LOWER ORAKZAI.

------(Accused Facing Trial)

**Present:** Umar Niaz, District Public Prosecutor.  
: Abid Ali Advocate, for accused facing trial.

JUDGEMENT  
07.07.2020

DPP, Umar Niaz for the state and Saeed Ali, accused alongwith counsel Mr. Abid Ali Advocate alongwith Patwari Halqa Muza Sherkot present and submitted original register of mutations, copies of mutation no. 1028 attested on 06.07.2020 placed on file which relate to the shares of the minors.

- (2). In the instant case one, Sharmin Ali s/o Anwar Ali was killed in a road accident and the accused facing trial Saeed Ali was accordingly charged for the occurrence through case FIR no. 2, dated 11.01.2020, u/s 279/320/427 PPC in PS Lower Orakzai Kalaya. The deceased was survived, besides parents, by a widow, two minor sons and one minor

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daughter. On 13.06.2020, Mst. Moeena Jaan (mother) and Mst. Noor Jahan (widow) appeared before the Court and submitted compromise affidavit Ex. PA, proforma of compromise Ex. PB and by recording joint statement deposed that on account of compromise they have got no objection on the acquittal of accused facing trial. For the shares of minors, land measuring 17.5 marlas was transferred in the name of Jasim Ali and Asim Raza (minor sons of deceased) and Mst. Solana (minor daughter of deceased) through mutation no. 1028 dated 06.07.2020. The possession of the landed property was stated to have been given to the mother of minors. The joint statement of the mother and widow of deceased was supported by the elders of locality namely, Ali Azam Khan and Malik Moeen Ali by submitting certificate Ex. PC, wherein the genuineness of compromise and parties alongwith legal heirs of deceased were verified. The deposition of the elders of the locality was reduced into writing. Thereafter on 25.06.2020, Anwar Ali (father of deceased) appeared and submitted compromise affidavit Ex. PD. The deposition of Mr. Anwar Ali was reduced into writing through identification of Mr. Ali Azam Khan (elder of the locality). In the statement recorded before the court, the father of deceased deposed that the matter with the accused has been patched up and on account of the compromise, he has got no objection upon the acquittal of accused facing trial.

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[Signature]

(3). Since the section 320 and 427 PPC are compoundable, whereas section 279 PPC stand merged in the section 320 PPC on account of compromise, therefore it is held that a genuine compromise between the parties have been affected and the same is accepted accordingly on the strength of statements of the legal heirs of the deceased duly verified by the elders of the locality. The accused Saeed Ali resultantly stand acquitted in the instant case on the basis of compromise. Accused is on bail, his sureties stand discharge from the liabilities of bail bonds. Case property be disposed of in accordance with law but after the period provided for appeal/revision.

(4). File be consigned to Sessions Record Room after its necessary completion and compilation.

**Announced**  
07.07.2020



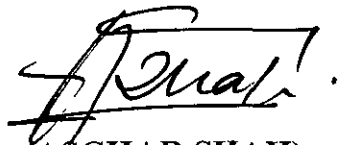
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**CERTIFICATE**

Certified that this judgment consists of three (03) pages. Each page has been read, corrected where-ever necessary and signed by me.

Dated: 07.07.2020.



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07.07.20.