

25.02.2024

Present:

Mr. Justice Mamnoon Rahman

Mr. Md. Aktaruzzaman, Adv.

...For the petitioner-applicant.

None appears

...For the complainant-opposite party No. 2

Mr. Md. Taifoor Kabir, DAG with

Mr. Md. Lokman Hossain, AAG

Mr. Md. Hatem Ali, AAG

.....For the State.

Today is fixed for passing necessary order.

The petitioner filed an application for disposing of the rule being paid the cheque amount.

The learned Advocate appearing on behalf of the petitioner submits that the petitioner has already paid up the entire amount to the complainant-opposite party No. 2 and the opposite party would be able to withdraw the deposited money from the trial court and as such the instant rule is required to be disposed of in accordance with law.

I have heard the learned Advocate for the appellant-petitioner and perused the application.

It appears that the petitioner has deposited 50% of the cheque amount *i.e.* Tk. 1,20,000/- in the trial court at the time of filing of the appeal. It further appears that the petitioner has deposited 50% of the rest cheque amount of Tk. 1,20,000/- on 23.03.2023 vide MEMBER WISE LOAN & SAVINGS COLLECTION SLIP with Member No. 1650 in BRAC, Shapahar Branch, Naogaon in cash with the opposite party No. 2 and the concerned officer issued a certificate on 06.04.2023 to

Criminal Revision No. 3433 of 2022

that effect (a photocopy of which annexed with the application as evident in Annexure-C), it means the petitioner paid up the entire cheque amount.

Since the petitioner paid up the entire cheque amount, I am inclined to allow the application.

Accordingly, the instant application is allowed and the rule be disposed of. The judgment and order of conviction and sentence dated 13.02.2022 passed by the court below is hereby set aside.

The respondent-opposite party No. 2 is at liberty to withdraw the money from the court below as deposited by the convict-appellant-petitioner forthwith.

Send down the L.C. Records, (if any) to the concerned court below with a copy of this order at once.

(Mamnoon Rahman,J:)