

-Present :

Mr. Justice Ashish Ranjan Das.

Criminal Appeal No. 5887 of 2020

In the matter of:

Ramir Afroz @ Ruma Afroz
..... Appellant

-Versus-

The State and another
..... Respondents.

None appears

.....For the appellant.

Mr. Md. Mizanur Rahman Khan, Advocate
..... Respondent No.2

Mr. Md. Fazlur Rahman Khan, D.A.G with
Ms. Shama Akter, A.A.A.G

... For the State

Heard on: 07.11.2022

Judgment on: 13.11.2022

Ashish Ranjan Das, J:

Learned Additional Sessions Judge, 3rd.Court,
Khulna in Sessions Case No. 284 of 2018 arising out
of C.R. case No.134 of 2017(Fultola) by his judgment
dated 13.09.2020 convicted the appellant under
section 138 of the Negotiable Instruments Act,1881 and

sentenced him to suffer simple imprisonment for 1(one) year followed by a fine of Tk.20,00,000/-. By this appeal the above judgment has been called in question.

None appeared to press the appeal, although the matter has been occurring in the daily cause list with the name of the advocate over the period.

I have heard the learned advocate for the complainant –respondent, perused the materials on record.

Short fact is that the appellant Ramir Afroz @ Ruma Afroz, wife of Hasan Khan owed Tk. 10 lacs to the complainant- respondent and on the pretext of repayment the appellant gave him a cheque of Tk. 10 lacs on 12.10.2017 on Islami Bank, Bangladesh Limited, Fultola Branch, Khulna. But the cheque was bounced back. The complainant issued the necessary legal notice on 16.10.2017 but of no avail, hence is

this case.

The appellant contested the case and D.W. the Inspector of the CID examining the bonafide of the cheque and he found the case was genuine. The learned trial court finally found the case proved.

In trial the appellant took a single ground that she left cheque book blank thinking it as unnecessary initial. The ground was found unfounded by examination and report of the handwriting expert of the C.I.D (Ext. Ka-1). Against it, the appellant did not have any say. Thus, I find nothing wrong with the judgment along with simple imprisonment for 1(one) year. The appellant has been sentenced to pay Tk.10,00,000/- more as fine to be paid to the State Treasury and I find the extra amount above the cheque amount not convincing. However, on the whole the conviction is good in law and it's affirmed.

As a result, the appeal is dismissed with

modification. The appellant has to pay the cheque amount of Tk.10,00,000/- to the complainant-respondent and another TK. 5 lacs to the State as fine. All other terms and conditions of the sentence shall remain unchanged.

Communicate the judgment and order and L.C. records to the courts below.

(Justice Ashish Ranjan Das)

Bashar B.O