

**Present**

Mr. Justice Yousuf Abdullah Suman

**Criminal Appeal No. 429 of 2022**

Belal Hossain and others

... For the Convict-Appellants

**-Versus-**

The State and another

... For the Respondents

Mr. Md. Shah Alam, Advocate

.... For the Appellant

Mr. Md. Ahsanullah, DAG with

Mr. Md. Shahadat Hossain (Adil), AAG

Mr. Md. Gias Uddin Gazi, AAG;

.....for the State

Mr. M. Miraj Rana, Advocate

..For the Complainant-Respondent No.02

**Order dated : 05.05.2026.**

This is an application for compromise jointly filed by the convict-appellants and the complainant-respondent no.2.

This criminal appeal is directed against the judgment and order dated 07.01.2018 passed

by the learned Additional Metropolitan Sessions Judge, Court No.6, Dhaka in Metropolitan Sessions Case No.8808 of 2016 convicting the appellants under section 138 of the Negotiable Instruments Act, 1881 and sentencing them to suffer simple imprisonment for 4 (four) months and to pay a fine of Tk.7,25,000/ (seven lac and twenty five thousand).

A joint application for compromise has been filed on behalf of the parties stating, *inter alia*, that the dispute involved in the instant appeal has been amicably settled out of court. The terms of the compromise have been reduced into writing and signed by the parties.

Heard the learned Counsels appearing for the appellants as well as for the complainant-

respondent no.2. I have also heard the learned Deputy Attorney general for the state.

Mr. Md. Shah Alam, the learned Counsel for the appellants, submits that pursuant to the terms of the compromise, the appellants have already paid Tk.3,62,500/- (Three lac sixty two thousand and five hundred) in cash to the complainant-opposite party no.2, and that the remaining Tk. 3,62,500/- (Three lac sixty two thousand and five hundred) have been deposited before the trial court at the time of preferring the appeal which the complainant is entitled to withdraw. He submits that no further claim remains to be settled and the appeal may be disposed of accordingly.

Mr. M. Miraj Rana, the learned Counsel appearing for the complainant-respondent no.2, admits the compromise and submits that the complainant has no objection if the appeal is

disposed of in terms of the compromise. Both the learned Counsels submit that the compromise has been entered into voluntarily, without any coercion, undue influence or misrepresentation.

Mr. Md. Ahsanullah, the learned Deputy attorney General, also submits that the state has no objection to the disposal of the appeal in view of the compromise between the parties,

I have perused the compromise petition along with its terms, and the materials on record. I have also considered the nature of the offence alleged in the case.

It is settled that although an offence under section 138 of the Negotiable Instruments Act, 1881 is not compoundable within the meaning of section 345 of the Code of Criminal Procedure, the High Court Division, in appropriate cases, may invoke its

inherent jurisdiction to give effect to a lawful settlement between the parties in order to secure the ends of justice.

Having regard to the nature of the dispute, which is essentially a commercial and private in nature, and considering the amicable settlement between the parties, I am of the view that continuation of the appeal would serve no useful purpose. In such circumstances, this Court, in exercise of its inherent jurisdiction and to secure the ends of justice, is inclined to give effect to the compromise entered into by and between the parties.

Accordingly, the compromise application is allowed.

In the result, the appeal is disposed of in terms of the compromise.

The judgment and order of conviction and sentence dated 07.01.2018 passed by the learned Additional Metropolitan Sessions Judge, Court No.6, Dhaka in Metropolitan Sessions Case No.8808 of 2016 arising out of C.R. Case No.1666 of 2013 are hereby set aside.

The convict-appellants 1) Belal Hossain, 2) Amir Hossain, and 3) Dildar Hossain are acquitted of the charge.

The appellants are discharged from their bail bonds.

The complainant-respondent no.2 is permitted to withdraw the amount deposited by the appellants before the trial court, if not already withdrawn. The trial court is directed to take necessary steps in this regard.

The compromise petition shall form part of this order and the parties are bound by the terms of the compromise.

Let the lower court records be sent down at once along with a copy of this order.