

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(CRIMINAL REVISIONAL JURISDICTION)

**Present:**

Mr. Justice Md. Bashir Ullah

**Criminal Revision No. 4450 of 2025**

**In the matter of:**

An application under Section 439 read with  
435 of the Code of Criminal Procedure.

**-And-**

**In the matter of:**

Md. Robiul Islam

**...Convict-Petitioner.**

**-Versus-**

The State and another

**...Complainant-Opposite Parties.**

Mr. Md. Shafiqul Islam, Advocate

... For the Petitioner.

Ms. Tasmia Prodhan, Advocate with

Ms. Faria Rahman, Advocate

...For the Opposite Party No. 2.

Mr. Md. Shafiquil Islam, D.A.G with

Ms. Farhana Abedin, A.A.G with

Mr. Hemayth Uddin, A.A.G and

Mr. K. M. Saiful Islam, A.A.G

... For the State

**Heard on 04.05.2026, 12.05.2026 and  
10.06.2026**

**Judgment on 16.06.2026**

This Rule was issued at the instance of the petitioner  
calling upon the opposite parties to show cause as to why the

judgment and order dated 26.05.2025 passed by the learned Additional Sessions Judge, 2<sup>nd</sup> Court, Magura in Criminal Appeal No. 30 of 2020 dismissing the appeal and affirming the judgment and order dated 16.01.2020 passed by the learned Chief Judicial Magistrate, Magura in C.R. Case No. 212 of 2017 (Sreepur) convicting the petitioner under Section 420 of the Penal Code and sentencing him to suffer rigorous imprisonment for a period of 1(one) year and to pay a fine of Tk. 10,000/- (ten thousand) in default to suffer simple imprisonment for 30(thirty) days more, should not be set aside and/or such other or further order or orders be passed as to this Court may seem fit and proper.

The facts relevant for disposal of the Rule, in brief, are that one Md. Faruk Hossain, instituted a petition of complaint before the learned Senior Judicial Magistrate, 1<sup>st</sup> Court, Magura under Sections 406 and 420 of the Penal Code against the convict-petitioner alleging *inter alia* that the accused, Md. Rabiul Islam while serving as a night guard at the Sreepur Upazilla Pubic Health Engineering Office proposed to arrange an employment for the complainant within the same department

in consideration of an amount of Taka 5,00,000/- (five lac). Subsequently, the complainant arranged the amount and paid the same to the accused in cash whereupon he executed an undertaking on a non-judicial stamp paper of Taka 300/-. The accused subsequently failed to procure the promised employment and also refused to refund the consideration amount, thereby committing offences punishable under Sections 420 and 406 of the Penal Code.

The learned Senior Judicial Magistrate took cognizance of the offence. Charges were framed against the accused under Sections 406 and 420 of the Penal Code on 06.05.2018. In course of trial, the prosecution examined 04(four) witnesses to prove the indictment.

Upon conclusion of trial, the learned Chief Judicial Magistrate, Magura, by judgment and order dated 16.01.2020 found the charge proved and convicted the accused-petitioner under Section 420 of the Penal Code and sentenced him to suffer rigorous imprisonment for a period of 1(one) year and to pay a fine of Tk. 10,000/- (ten thousand) in default to suffer simple imprisonment for 30(thirty) days.

Challenging the said judgment and order, the convict-petitioner preferred Criminal Appeal No. 30 of 2020 before the learned Sessions Judge, Magura. Subsequently, the appeal was transferred to the learned Additional Sessions Judge, 2<sup>nd</sup> Court, Magura, who upon hearing the parties dismissed the appeal by judgment and order dated 26.05.2025, affirming the conviction and sentence passed by the trial Court.

Being aggrieved by and dissatisfied with the judgment of conviction and sentence, the convict-petitioner preferred this revisional application before this Court. This Court, by order dated 01.09.2025 issued the Rule and enlarged the petitioner on bail for a period of 06(six) months.

Mr. Md. Shafiqul Islam, learned Advocate appearing on behalf of the petitioner by filing “a joint application for disposal of the instant Criminal Revision on compromise between the petitioner and the opposite party No. 2” submits that during the pendency of the Rule, the dispute between the petitioner and the complainant-opposite party No. 2 have amicably settled out of Court. In support of his submission, he produced a joint application on compromise and a deed of compromise duly

sworn executed by both parties along with an affidavit affirming the terms of settlement.

He further submits that the complainant-opposite party No. 2 has no objection if the Rule is made absolute by setting aside the impugned judgments and orders of conviction and sentence considering the compromise between the parties.

*Per contra*, Ms. Tasmia Prodhan, Advocate along with Ms. Faria Rahman, Advocate appearing on behalf of opposite party No. 2, confirms the factum of compromise and submits that the complainant no longer intends to proceed with the criminal proceeding and has no objection if the Rule is made absolute.

I have perused the judgments and orders passed by the Courts below, the compromise petition and the affidavit filed by the parties.

When the matter has been taken for hearing both parties appeared in person before this Court. They were duly indentified by their respective learned Advocates. They voluntarily admitted that the deed of compromise was executed

without any coercion and undue influence. They affirmed that their differences amicably resolved. Opposite party No. 2, namely Md. Faruk Hossain admitted that he has received his money back and he has no grievance against the petitioner.

It appears from the materials on record that the dispute originated from a private transaction between the parties. Subsequently, the parties have resolved their differences amicably and have entered into a compromise voluntarily without any coercion, undue influence or misrepresentation. Opposite party No. 2 has categorically stated that he has no grievance against the petitioner.

It is now well settled principle that in an appropriate case involving a predominantly private and personal dispute, where continuation of the criminal proceeding would serve no useful purpose and where the parties have genuinely settled the matter, the High Court Division may exercise its revisional and inherent jurisdiction to secure the ends of justice.

Considering the facts and circumstances of the case, the nature of the dispute, the compromise arrived at between the

parties and in order to promote substantial justice, I am inclined to interfere with the impugned judgments and orders.

Accordingly, the Rule is made absolute.

The judgments and orders of conviction and sentence dated 26.05.2025 passed by the learned Additional Sessions Judge, 2<sup>nd</sup> Court, Magura in Criminal Appeal No. 30 of 2020 and the judgment and order dated 16.01.2020 passed by the learned Chief Judicial Magistrate, Magura in C.R. Case No. 212 of 2017 (Sreepur) are hereby set aside.

The petitioner, Md. Rabiul Islam is acquitted of the charge under Section 420 of the Penal Code.

The petitioner is discharged from his bail bond.

Let a copy of this judgment along with lower Court's records (LCR) be communicated to the concerned Court forthwith.

***(Md. Bashir Ullah, J)***