

হাই-কার্ট ফৌজদারী ফরম নং-৩৫

২০
বাংলা-দশ সুপ্রীম-কার্ট
হাই-কার্ট বিভাগ

আপীল সম্পর্কিত
-ফৌজদারী

-জলা -Chapainawabgonj

439/435

-ফৌজদারী কার্যবিধি আই-নর ধারার অধী-নর রিভিশন
নং

Md. Torikul Islam

আ-বদনকারী

মাধ্যম Mr. Md. Abdur Rouf, Advocate

বনাম

The State

প্রতিপক্ষ

Mr. S.M. Golam Mostofa Tara, D.A.G with
Mr. A. Monnan, A.A.G

প্রথম আদালত

ম্যাজিস্ট্রেট,

তারিখ

২০

শাস্তি ও দন্ডা-দশ

Present:

Mr. Justice Md. Shohrowardi

আপীল আদালত

তারিখ

২০

| কাগজপত্র বা আ- -দ-শর ক্রমিক নং | তারিখ | -নাট এবং আ-দশ | স্বাক্ষর |
|--------------------------------------|--------------------------|--|----------|
| | <u>12.06.2024</u> | The delay of 1100 days in filling the revisional application is hereby condoned. Records be called for. Let a Rule be issued calling upon the opposite parties to show cause as to why the impugned judgment and order of conviction and sentence dated 04.04.2021 passed by the Sessions Judge, Chapainawabgonj in Criminal Appeal No.172 of 2019 affirming the judgment and order of conviction and sentence dated 03.05.2018 passed by Joint Sessions Judge, Court No.1, Chapainawabgonj in Session Case No.832 of 2017 arising out of C.R. Case No.211 of 2017 (Shib:) convicting the petitioner under section 138 of the Negotiable Instrument Act, 1881 and sentencing him thereunder to suffer simple | |

imprisonment for 01 (one) year and to pay a fine of Tk. 2,94,092 (two lakh ninety four thousand ninety two) should not be set aside and/or pass such other or further order as to this court may seem fit and proper.

The Rule is made returnable within 4(four) weeks from date.

Let the realization of fine be stayed.

The learned Advocate Mr. Md. Abdur Rouf appearing on behalf of the convict-petitioner submits that he was not aware about the case filed against him and the trial was held in absentia for which he could not adduced any evidence before the trial court. He further submits that he has no objection if the complainant opposite party No.2 withdraw the 50% of the cheque amount deposited before filing the appeal. Therefore, he prayed for bail of the convict-petitioner.

Considering the submission of the learned Advocate, I am of the view that ends of justice would be best served, if the convict petitioner is enlarged on bail.

Let the convict-petitioner, **Md. Torikul Islam son of late Aftab Uddin** be enlarged on bail to the satisfaction of the Joint Sessions Judge, Court No. 1, Chapainawabgonj for 06(six) months from date.

The complainant is at liberty to file an application for withdrawal of 50% of the cheque amount deposited by the convict-petitioner before filing the appeal.

The court below is directed to consider the application for withdrawal of the money, if any.

The trial court shall disposed of the application, if any, within 01(one) month.

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