

হাই-কার্ট ফৌজদারী ফরম নং-৩৫

২০
বাংলা-দশ সুপ্রীম-কার্ট
হাই-কার্ট বিভাগ

আপীল সম্পর্কিত
-ফৌজদারী

-জলা -Moulvibazar

439/435

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

Syed Babul Ali

আ-বদনকারী

মাধ্যম Ms. Rexona, 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>	<p>The supplementary affidavit do form part of the main application.</p> <p>The delay of 500 days in filling the revisional application is hereby condoned.</p> <p>Records be called for.</p> <p>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 23.11.2022 passed by Additional Sessions Judge, Moulvibazar in Criminal Appeal No. 47 of 2021 affirming the judgment and order dated 10.12.2020 passed by Senior Judicial Magistrate, Court No.2, Moulvibazar in C.R No. 235 of 2019 (Kulaura), arising out of Petition Case No. 191 of 2019 (Kulaura) dated 24.04.2019 convicting the petitioner</p>	

under section 406 of the Penal Code, 1860 and sentencing him thereunder to suffer rigorous imprisonment for 01(one) year and under section 420 of the Penal Code, 1860 and sentencing him thereunder to suffer rigorous imprisonment for 02(two) years and to pay a fine of Tk. 5,000, in default, to suffer simple imprisonment for 02(two) months more 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 Ms. Rexona appearing on behalf of the convict-petitioner submits that the offences under sections 406/420 of the Penal Code, 1860 are compoundable and the convict petitioner shall settle the dispute out of court within next 03 months. Therefore, she prayed for bail of the convict petitioner.

I have considered the submission of the learned Advocate and perused the supplementary affidavit filed by the convict petitioner. I am of the view that ends of justice would be best served if the convict petitioner is enlarged on bail to settle the dispute out of court.

Since the convict petitioner admitted that he will pay the entire amount within 03(three) months, I am inclined to enlarge the petitioner on bail.

Let the convict-petitioner, **Syed Babul Ali son of late Syed Tobarok Ali** be enlarged on bail to the satisfaction of the Chief Judicial Magistrate, Moulvibazar for 03(three) months. The convict petitioner shall pay the entire amount by 03(three) equal installments within 03(three) months from the date of release from the custody.

