

Present :

Mr. Justice Ashish Ranjan Das.

**Criminal Revision No. 1991 of 2021**

**In the matter of:**

Md. Suman

..... Petitioner

-Versus-

The State and another

..... Opposite parties.

Mr. Suruzzaman, Advocate

.....For the petitioner

Mr. Mahfuzur Rahman, Advocate

..... Opposite party No.2

Mr. Fazlur Rahman Khan, D.A.G  
with

Mr. Kazi Eliasur Rahman, A.A.G. and

Ms. Tahmina Sultana, A.A.G

... For the State

**Heard and Judgment on: 16.03.2023**

**Ashish Ranjan Das, J:**

Learned Joint Sessions Judge, 1<sup>st</sup> Court,  
Mymensingh by her judgment dated 12.02.2020  
passed in Sessions Case No.241 of 2019 arising out  
of Case No. C.R. 765 of 2018 (Kotwali) convicted  
the accused petitioner under section 138 of the

Negotiable Instruments Act of 1881 and sentenced him to suffer simple imprisonment for 1(one) year followed by a fine of Tk.2,00,000,00/- that is double of the cheque amount.

The petitioner preferred appeal being Criminal Appeal No. 239 of 2020 before the learned Sessions Judge, Mymensingh and the latter by his judgment dated 17.01.2021 dismissed the appeal, however reduced the amount of fine to Tk. 1,01,00,000/- only. Being further aggrieved the convict-petitioner preferred this criminal revisional application.

At this stage both the parties pray before the court so that the rule may be made absolute on compromise in terms of the application that has been made a part of the record. Their case is that the lender i.e. drawee of the cheque has by this time already received the cheque amount i.e. the amount fixed by the lower appellate court of Tk.1,00,000,00/-

and since the fraction of amount of Tk. 1,00,000/- as fine was not awarded to the State, the application of compromise may be accepted and the criminal revisional application be allowed accordingly.

I find none to object and no ground to disagree, since the fraction of amount of Tk. 1,00,000/- as fine was not awarded in favour of the State and the remaining amount of Tk.1(One) Crore i.e. the cheque amount where the financial dispute between the parties and they have already compromised upon payment and received the amount.

Accordingly, the rule is made absolute in terms of compromise application. The judgment and conviction dated 17.01.2021 passed in Criminal Appeal No. 239 of 2020 passed by the learned Joint Sessions Judge, 1<sup>st</sup> Court, Mymensingh is hereby set aside.

The lender opposite party may withdraw the amount in deposit.

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

***(Justice Ashish Ranjan Das)***

**Bashar B.O**