

Present :

Mr. Justice Ashish Ranjan Das.

Criminal Revision No.56 of 2022

In the matter of:

Ayan Dash

..... Petitioner

-Versus-

The State and another

..... Opposite parties.

No one appear

....For the convict- petitioner.

Mr. Tapash Kumar Biswas,
Advocate

..... For the opposite party No.2.

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

Ms. Shama Akter, A.A.A.G

... For the State

Heard on: 19.10. 2022 and 27.10.2022.

Judgment on: 02.11.2022

Ashish Ranjan Das, J:

This petitioner accused Ayan Das was sentenced to suffer simple imprisonment for 6 months coupled with a fine of Tk.6,00,000/- by the learned Joint Sessions Judge, Banskhal, Chittagong

in Sessions Case No. 1395 of 2017 arising out of C.R. Case No.55 of 2017 attracting section 138 of the Negotiable Instruments Act.

The accused petitioner preferred Criminal appeal being No.294 of 2019 and the learned Additional Sessions Judge, Chittagong was pleased to affirm the judgment of conviction and sentence hence is this criminal revisional application.

Brief fact is that this petitioner took Tk. 6,00,000/- from the complainant opposite party and issued a cheque for the amount on 16.11.2016 on the pretext of repay the amount. But the cheque was bounced back, the complainant sent a legal notice on 03.01.2017 but of no avail and after observing all the formalities the complainant brought C.R. case No. 55 of 2017 attracting section 138 of the Negotiable Instruments Act, 1881. The trial court found the case proved and the appellate court also agreed with the findings and decision of the trial court. The accused petitioner did not turn up although the matter has been occurring in the daily cause list

with the name of the advocate over the period.

Obviously the petitioner accused had preferred an appeal upon deposit of Tk. 3,00,000/-, half of the cheque amount. The very issuance of the disputed cheque is not denied. Upon the materials I find nothing to disagree with the findings of the courts below, as a result the Rule is discharged and the judgment passed in Criminal Appeal No. 294 of 2019 dated 25.02.2021 is hereby affirmed. The appellant is directed to surrender before the trial court immediately in order to serve out the sentence.

Communicate the judgment and order to the courts below.

(Justice Ashish Ranjan Das)

Bashar B.O