

Present:

Mr. Justice Md. Salim

CRIMINAL REVISION NO.3622 OF 2022

Iqbal Hossain

.....Petitioner.

-Versus-

The State and another

.....Opposite parties.

Mr. Sohel Rana, Advocate

.....For the Petitioner.

Mr. Farhad Uddin Ahmed Bhuiyan,

Advocate

.....For the Complainant-Opposite Party No.2.

Mr. Monzurul Alam Sujan, DAG

Mr. Towhidul Islam, AAG

Mr. Syed Akhtarul Islam, AAG

..... For the State.

Heard and Judgment on 13.07.2026

By this Rule the opposite parties were called upon show cause as to why the impugned judgment and order dated 25.07.2022 passed by the learned Metropolitan Sessions Judge, Sylhet in Criminal Appeal No.188 of 2022 dismissing the appeal and affirming the judgment and order of conviction and sentence dated 22.05.2022 passed by the learned Metropolitan Magistrate, 3rd Court, Sylhet in C.R. Case No.33 of 2021 convicting the petitioner under section 3 of the Dowry Prohibition

Act, 2018 and sentencing him to suffer rigorous imprisonment for 1(one) year should not be set aside.

Facts in brief for disposal of the Rule are that the opposite party No. 2 herein, as complainant, instituted the C. R. case No. 33 of 2021 before the Metropolitan Magistrate, Sylhet, against the convict petitioner under section 3 of the Dowry Prohibition Act, 2018. Subsequently, the learned Metropolitan Magistrate, 3rd Court, Sylhet, by judgment and order dated 22.05.20-22, convicted the convict-petitioner under section 3 of the Dowry Prohibition Act and sentenced him to suffer rigorous imprisonment for 01 (one) year, which was upheld in Criminal Appeal No.188 of 2022 (Judgment and order dated 25.07.2022 preferred by the convict appellant petitioner).

Now, the convict-petitioner and the complainant-opposite party No.2 have filed a joint application for compounding the offense under section 3 of the Dowry Prohibition Act, 2018, in the event of the dispute between them out of court.

The application states that the complainant-opposite party has amicably settled all disputes with her husband (convict petitioner) through mediation. The convict petitioner and the complainant opposite party No.1, with the intervention of their respective well-wishers, amicably settled the dispute and entered into a written compromise out of court. They are now living as husband and wife. It is submitted by the learned Advocate for the complainant opposite party that, unless the offense is allowed to be compounded, the happy life of the parties may be seriously jeopardized. The petitioner prays for permission of the court to compound the offense to enable them to live a peaceful and happy life.

In view of the fact that the offense under section 3 of the Dowry Prohibition Act, 2018 has been made compoundable by subsequent amendment, I do not find any impediment in the way of allowing the prayer for compounding the offense. In the facts of the case, permission to compound the offense appears to be just and proper.

Accordingly, the prayer for compounding the offense under section 3 of the Dowry Prohibition Act, 2018 is allowed.

Accordingly, the Rule is made absolute based on the compromise petition.

The impugned judgment and order dated 25.07.2022 passed by the learned Metropolitan Sessions Judge, Sylhet, in Criminal Appeal No.188 of 2022, dismissing the appeal and affirming the judgment and order of conviction and sentence dated 22.05.2022 passed by the learned Metropolitan Magistrate, 3rd Court, Sylhet in C.R. Case No.33 of 2021 is hereby set aside.

Let the accused-petitioner Iqbal Hossain be acquitted of the charge levelled against him under Section 3 of the Dowry Prohibition Act, 2018, and he is hereby discharged from his bail bond.

Communicate the order and send down the lower Court records at once for information and necessary action.

(Md. Salim,J:)

Kabir/BO