

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(CRIMINAL REVISIONAL JURISDICTION)

Present:

Mr. Justice Mamnoon Rahman

Criminal Revision No. 2805 of 2023

Md. Uzzal Hossain

....Petitioner.

Versus.

The State and another

..... Opposite Parties

Mr. Md. Najmul Huda, Adv.

..... For the Petitioner

Mr. Mohammad Taifoor Kabir, DAG with

Mr. Md. Lokman Hossain, AAG

Mr. Md. Hatem Ali, AAG

..... For the Opposite Party No. 1

Ms. Fariha Zaman, Advocate

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

Heard on: 22.02.2024

And

Judgment on: 30.05.2024

Rule was issued calling upon the opposite parties to show cause as to why the judgment and order of conviction and sentence dated 22.05.2022 passed by the Additional Sessions Judge, Gaibandha in Criminal Appeal No. 130 of 2019 dismissing the appeal thereby affirming the judgment and order of conviction and sentence dated 22.01.2019 passed by the Joint Sessions Judge, 2nd Court, Gaibandha in Sessions Case No. 106 of 2018 arising out of C.R. No. 367 of 2017 convicting the petitioner under Section 138 of the Negotiable Instruments Act- 1881 and sentencing him to suffer simple imprisonment for one year and to pay a fine of Tk. 14,67,908/- should not be set aside and/or such

other or further order or orders passed as to the Court may seem fit and proper.

I have heard the learned Advocate for the petitioner as well as complainant-opposite party No. 2. I have perused the revisional application, grounds taken thereon, supplementary affidavit as filed by the petitioner, counter-affidavit as filed by the complainant-opposite party No. 2 as well as necessary papers and documents annexed herewith.

At the very outset the learned Advocate for the complainant-opposite party No. 2 submits that in the meantime the petitioner has adjusted most of the amounts and the rest dues is Tk. 1,33,953/- out of the cheque amount. Since the petitioner has paid the most of the amounts as admitted by the learned Advocate for the bank as well as reflected in the supplementary-affidavit the instant rule be disposed of in the following terms;

(1) The impugned judgment and order passed by the both the courts below so far it relates to sentence of one year is hereby set aside.

(2) The petitioner is directed to pay the remaining balance of Tk. 1,33,953/- within 60(sixty) days from the date of receipt of the instant order without fail in default the petitioner shall suffer simple imprisonment for 7(seven) days.

Send down the lower Court's records (LCR) at once. Communicate the judgment and order to the Court concerned forthwith.

(Mamnoon Rahman,J:)