

29.04.2024

Present:

Mr. Justice Mamnoon Rahman

Mr. Md. Sohrab Hossain, Adv.

...For the petitioner-appellant.

Mr. Sikder Mahmudur Razi, Adv.

...For the complainant-respondent No. 2

Mr. Md. Taifoor Kabir, DAG with

Mr. Md. Lokman Hossain, AAG

Mr. Md. Hatem Ali, AAG

.....For the State.

The parties have filed joint application for compromise on the ground that they settled the matter amicably.

I have heard the learned Advocates for the parties and perused the application.

It appears that the instant appeal was preferred by the convict-appellant-petitioner challenging the judgment and order of conviction and sentence passed by the trial court in a proceeding relates to Section 138 of the Negotiable Instruments Act, 1881.

It further appears that both the parties intend to settle the matter amicably upon certain terms and conditions and issued a sanction being No. BA/Khatungonj/Credit/2023/547 dated 17.07.2023 as evident in Annexure-1 of the application for compromise. Since the parties agreed to settle the matter amicably, I am inclined to allow the application.

Accordingly, the instant application is allowed and the appeal be disposed of in terms of the application for compromise. The judgment and order of conviction

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and sentence dated 17.01.2018 passed by the court below is hereby set aside.

The respondent-opposite party No. 2, namely the Bank Asia Limited, Khatungonj Branch, Chattogram is at liberty to withdraw the money from the court below as deposited by the convict-appellant-petitioner forthwith.

Send down the L.C. Records, if any, to the concerned court below with a copy of this order at once.

(Mamnoon Rahman,J:)