

Criminal Misc No. 63341 of 2023
with
Criminal Misc No. 63342 of 2023
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Criminal Misc No. 63343 of 2023
with
Criminal Misc No. 63344 of 2023
with
Criminal Misc No. 63345 of 2023

IN THE MATTER OF:

Md. Muslim Uddin

....accused-petitioner in all cases
(In jail)

-VERSUS-

The State and others

....opposite parties

Mr. Md. Oziullah, Senior Advocate with

Mr. Azimuddin Patwary, Advocate

...for the accused-petitioner in all cases

Ms. Moududa Begum (Fancy) with

Mr. Mohammad Selim and

Mr. Mirza Mohammed Soyeb Muhit, AAGs

...for the opposite-party No. 1 in all cases

Mr. Md. Kalim Uddin, Advocate

...for the opposite-party No. 2 in all cases

Present:

Mr. Justice Zafar Ahmed

and

Mr. Justice Khandaker Diliruzzaman

Heard on: 25.02.2024

Judgment on: 28.02.2023

Zafar Ahmed, J:

Since the parties are same and the cases involve common question of facts, the Rules are heard together and disposed of by this common judgment.

The subject matter of the Rule issued in **Criminal Miscellaneous Case No. 63341 of 2023** is the judgment and order of conviction and sentence dated 10.03.2021 passed by the learned Joint Metropolitan Sessions Judge, 5th Court, Chattogram in Sessions Case No. 2818 of 2020 arising out of C.R. Case No. 51 of 2020 (Pahartali) convicting the petitioner under Section 138 of the Negotiable Instruments Act, 1881 and sentencing him to suffer simple imprisonment for a period of 01(one) year and to pay fine of Tk. 23,00,000/- which is equivalent to the value of the dishonoured cheque.

The subject matter of the Rule issued in **Criminal Miscellaneous No. 63342 of 2023** is the judgment and order of conviction and sentence dated 23.03.2021 passed by the learned Joint Metropolitan Sessions Judge, 5th Court, Chattogram in Sessions Case No. 2718 of 2020 arising out of C.R. Case No. 46 of 2020 (Pahartali) convicting the petitioner under Section 138 of the Negotiable Instruments Act, 1881 and sentencing him to suffer simple imprisonment for a period of 01(one) year and to pay fine of Tk. 45,00,000/- which is equivalent to the value of the dishonoured cheque.

The subject matter of the Rule issued in **Criminal Miscellaneous No. 63343 of 2023** is the judgment and order of

conviction and sentence dated 10.03.2021 passed by the learned Joint Metropolitan Sessions Judge, 5th Court, Chattogram in Sessions Case No. 2819 of 2020 arising out of C.R. Case No. 52 of 2020 (Pahartali) convicting the petitioner under Section 138 of the Negotiable Instruments Act, 1881 and sentencing him to suffer simple imprisonment for a period of 08(eight) months and to pay fine of Tk. 8,00,000/- which is equivalent to the value of the dishonoured cheque.

The subject matter of the Rule issued in **Criminal Miscellaneous No. 63344 of 2023** is the judgment and order of conviction and sentence dated 26.08.2021 passed by the learned Joint Metropolitan Sessions Judge, 5th Court, Chattogram in Sessions Case No. 2807 of 2020 arising out of C.R. Case No. 58 of 2020 (Pahartali) convicting the petitioner under Section 138 of the Negotiable Instruments Act, 1881 and sentencing him to suffer simple imprisonment for a period of 01(one) year and to pay fine of Tk. 39,00,000/- which is equivalent to the value of the dishonoured cheque.

The subject matter of the Rule issued in **Criminal Miscellaneous No. 63345 of 2023** is the judgment and order of conviction and sentence dated 23.03.2021 passed by the learned Joint Metropolitan Sessions Judge, 5th Court, Chattogram in

Sessions Case No. 2777 of 2020 arising out of C.R. Case No. 47 of 2020 convicting the petitioner under Section 138 of the Negotiable Instruments Act, 1881 and sentencing him to suffer simple imprisonment for a period of 01(one) year and to pay fine of Tk. 72,00,000/- which is equivalent to the value of the dishonoured cheque.

The opposite party No. 2 Md. Didarul Alam is the complainant of all the respective C.R. cases.

When the instant Rules were taken up for hearing, the complainant-opposite party No. 2 filed separate affidavit stating that the convict-petitioner had already paid the respective amount in full to the complainant. In support of the statement, separate memorandums of understanding executed between the parties have been produced us.

We have perused the affidavit filed by the complainant-opposite party No. 2 and the memorandums of understanding which have been signed by the parties. Be it mentioned that the signatures of the convict-petitioner contained in those memorandums of understanding have been attested by the Deputy Jailor, Chattogram Central Jail. It appears from those documents that the convict-petitioner has paid the full amount of the

dishonoured cheques in question to the complainant-opposite party No. 2

In view of the above, the conviction of the convict-petitioner is upheld. The sentence of fine in all the cases is upheld. Since the fine has already been paid, there is no further order as to realization of the same. The sentence of imprisonment imposed upon the petitioner in all the cases is set aside. The convict-petitioner be released from the jail at once provided he is not wanted in connection with any other case.

With the above observations and directions, all the Rules are disposed of.

Communicate the order at once.

Khandaker Diliruzzaman, J.

I agree.