

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

**Criminal Revision No. 3586 of 2023**

Md. Anisur Rahman.

...Convict-petitioner

**-VERSUS-**

The State and another.

... Opposite parties.

**Present**

Mr. Justice Mamnoon Rahman

None appears

... For the petitioner.

Mr. Md. Taifoor Kabir, DAG with

Mr. Md. Lokman Hossain, AAG

Mr. Md. Hatem Ali, AAG

...For the State.

Mr. Md. Masudul Alam Doha, Adv.

...For the complainant-opposite party No. 2.

**Heard & Judgment on: 13.02.2024**

In an application under section 439 read with section 435 of the Code of Criminal Procedure rule was issued calling upon the opposite party to show cause as to why the judgment and order dated 30.12.2020 passed by the learned Special Judge (Senior District and Sessions Judge), Special Sessions Court No.8, Dhaka in Special Criminal Appeal No. 2 of 2020 re-numbered from the Metropolitan Criminal Appeal No. 1021 of 2018 affirming the judgment and order passed by the learned Metropolitan Joint Sessions Judge, 5<sup>th</sup> Court, Dhaka in Metropolitan Sessions Case No. 9501 of 2012 arising out of C. R. Case No. 543 of 2012 convicting the convict petitioner under section 138 of the Negotiable Instruments Act, 1881 and sentencing him to suffer simple imprisonment for a period of 3(three) months and also to pay

fine of Tk. 2,50,000/- (two lac fifty thousand) only should not be set aside and/or pass such other or further order or orders as to this court may seem fit and proper.

No one appears on behalf of the petitioner to press the rule.

Mr. Md. Masudul Alam Doha, the learned Advocate for the complainant-opposite party submits that at the time of filing the appeal before the lower appellate court the petitioner has deposited 50% of the Cheque amount and subsequently the petitioner also deposited the rest amount vide Challan No. 14 dated 28.08.2023 as evident in Annexure F to the revisional application.

I have perused the impugned judgment and order passed by the lower appellate court as well as trial court. I have also perused the revisional application, grounds taken thereon, necessary papers and documents annexed herewith and heard the learned Advocate for the complainant-opposite party No. 2.

On perusal of the same, it transpires that at the time of filing the appeal before the lower appellate court the petitioner has deposited 50% of the Cheque amount and subsequently the petitioner also deposited the rest amount vide Challan No. 14 dated 28.08.2023 as evident in Annexure F to the revisional application. Since the petitioner has already adjusted the entire amount, I am of the view that he is liable to be acquitted.

Accordingly, the instant rule is made absolute. The impugned judgment and order passed by the courts below are hereby set aside and

the petitioner be discharged from the bail bond. However, the complainant-opposite party No. 2 is at liberty to withdraw the money from the court below as deposited by the petitioner-appellant.

Send down the L.C. records (if any) to the concerned court below with a copy of the judgment at once.

(Mamnoon Rahman,J.)

*Emdad. B.O.*