

Present

Mr. Justice Yousuf Abdullah Suman

Criminal Revision No. 4812 of 2024.

Md. Rakib Hossain Pias

... Convict-Petitioner

**-Versus-**

The State and another

... Opposite Parties

Mr. Mohammad Zahirul Alam, Advocate

.... For the Petitioner

Mr. Md. Ahsanullah, DAG with

Mr. Md. Shahadat Hossain (Adil), AAG

Mr. Md. Gias Uddin Gazi, AAG.

.....for the State

Mr. Pirjada Syed Abu Hanifa Ibna

Jamal Md. Alam, Advocate

..For the Complainant- Opposite party

No.02

**Order dated: 10.06.2026.**

This criminal revision is taken up for hearing.

The Rule was issued calling upon the opposite parties to show cause as to why the

judgment and order of conviction and sentence dated 14.03.2024 passed by the learned Additional Sessions Judge, 1<sup>st</sup> Court, Bogura in Criminal Appeal No. 44 of 2021 dismissing the appeal and thereby affirming the judgment and order of conviction and sentence dated 14.12.2020 passed by the learned Joint Sessions Judge, 2<sup>nd</sup> Court, Bogura in Sessions Case No. 2664 of 2018 arising out of C.R. Case No. 680 of 2018 (Sadar) convicting the petitioner under section 138 of the Negotiable Instruments Act, 1881 and sentencing him to suffer simple imprisonment for a period of 1(one) year and to pay a fine of 7,00,000/- (seven lac), should not be set aside, and/or pass such other or further order or orders as to this Court may seem fit and proper.

At the time of hearing, a joint application for compromise has been filed on

behalf of the parties stating, *inter alia*, that the dispute involved in the instant revision has been amicably settled out of court. The terms of the compromise have been reduced into writing and signed by the parties.

Heard the learned Counsels appearing for the petitioner as well as for the complainant-opposite party no.2. I have also heard the learned Deputy Attorney General for the state.

Mr. Mohammad Zahirul Amin, the learned Counsel appearing for the petitioner, submits that pursuant to the terms of the compromise, the petitioner have already paid Tk.3,50,000/- (three lac and fifty thousand ) in cash to the complainant-opposite-party no.2 in the court room of this Hon'ble Court before hearing of this application, and the complainant has agreed to withdraw the remaining Tk.

3,50,000/- (three lac and fifty thousand) from the concerned bank which has already been deposited while preferring the appeal by the convict-petitioner.

The parties are present before this court. Upon query, they affirm that the compromise has been entered into voluntarily, without coercion, undue influence, or misrepresentation.

The learned Counsel for the petitioner submits that no further claim remains to be settled and this Revision may be disposed of accordingly.

Mr. Pirjada Syed Abu Hanifa Ibna Jamal Md. Alam, the learned Counsel appearing for the complainant-opposite party no.2, admits the compromise, and submits that the complainant has no objection if this Revision is disposed of in terms of the compromise.

Mr. Md. Ahsanullah, the learned Deputy Attorney General, also submits that the state has no objection to the disposal of the revision in view of the compromise between the parties.

I have perused the compromise petition along with its terms, and the materials on record. I have also considered the nature of the offence alleged in the case.

Essentially, the offence committed under section 138 of the Negotiable Instruments Act is not compoundable within the meaning of section 345 of the Code of Criminal procedure. Our apex court, however, paved ways to compound such offence holding that "an offence under section 138 of the Negotiable Instruments Act is not compoundable; however, an amicable settlement and payment of the cheque amount may be considered by the court

in granting suitable relief regarding sentence”: *Subash Chandra Sarker vs. the State and another* [2018] 26 BLT (AD) 28. In Indian jurisdiction, the offence has directly been made compoundable by inserting section 147 into the Indian Negotiable Instruments Act of 1881 in 2002. This section reads as follows:

“147. Offences to be compoundable-

Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under this Act shall be compoundable.”

Accordingly, the Supreme Court of India in *Gyan Chand Garg vs. Harpal Sing* [2025] LiveLaw (SC) 865 and in *Parsharvanath Weld Wires vs. State of Chhattisgarh* [2026] LiveLaw (SC) 585 accepted the compromise between the parties in

section 138 cases and quashed the sentence imposed by the courts.

In light of the above observations, this court avoids circuitous routes to grant reliefs on compromise in section 138 cases, and holds that a court, in appropriate cases, may give effect to a lawful settlement between the parties, as the spirit of the judicial process is not merely to pronounce a judgment but to deliver justice.

Having regard to the nature of the dispute, which is essentially a commercial and private in nature, and considering the amicable settlement between the parties, I am of the view that continuation of the revision would serve no useful purpose. In such circumstances, this Court is inclined to give effect to the compromise entered into by and between the parties.

Accordingly, the compromise application is allowed.

In the result, this Criminal Revision is disposed of in terms of the compromise.

The judgment and order of conviction and sentence dated 14.03.2024 passed by the learned Additional Sessions Judge, 1<sup>st</sup> Court, Bogura in Criminal Appeal No. 44 of 2021 dismissing the appeal and thereby affirming the judgment and order of conviction and sentence dated 14.12.2020 passed by the learned Joint Sessions Judge, 2<sup>nd</sup> Court, Bogura in Sessions Case No. 2664 of 2018 arising out of C.R. Case No. 680 of 2018 (Sadar) are hereby set aside.

The convict-petitioner, Md. Rakib Hossain Pias, is acquitted of the charge leveled against him.

The petitioner is discharged from his bail bond.

The complainant-opposite party no.2 is permitted to withdraw the amount deposited by the petitioner before the trial court, if not already withdrawn. The trial court is directed to take necessary steps in this regard.

The compromise petition shall form part of this order and the parties are bound by the terms of the compromise.

Let the lower court records be sent down at once along with a copy of this order.