

Present

Mr. Justice Yousuf Abdullah Suman

Criminal Revision No. 2664 of 2021.

Md. Khorshed Uddin

... Convict-Petitioner

-Versus-

The State and another

... Opposite Parties

Verse

The state

Mr. Md. Nizamul Islam, 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. Md. Mamun Ur Rashid, Advocate

..For the Complainant- Opposite party

No.02

Order dated: 11.05.2026.

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 19.09.2021 passed by the learned Sessions Judge, Tangail in Criminal Appeal No.27 of 2020 dismissing the appeal and thereby affirming the judgment and order of conviction and sentence dated 28.10.2019 passed by the learned Joint Sessions Judge, 4th Court, Tangail in Sessions Case No. 1550 of 2018 arising out of C.R. Case No. 139 of 2018 (Mirzapur) convicting the petitioner under section 138 of the Negotiable Instruments Act, 1881 and sentencing him to suffer simple imprisonment for a period of 4 (four) months and to pay a fine of 4,20,000/- (four lac and twenty thousand), 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. Md. Nizamul Islam, the learned Counsel appearing for the petitioner, submits that pursuant to the terms of the compromise, the petitioner have already paid Tk.2,00,000/- (two lac) 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. 2,00,000/- (two lac) 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. Md. Mamunur Rashid, 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.

It is settled that although an offence under section 138 of the Negotiable Instruments Act, 1881 is not compoundable within the meaning of section 345 of the Code of Criminal Procedure, the High Court Division, in appropriate cases, may invoke its inherent jurisdiction to give effect to a

lawful settlement between the parties in order to secure the ends of 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, in exercise of its inherent jurisdiction and to secure the ends of justice, 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 19.09.2021 passed by the learned Sessions Judge, Tangail in Criminal Appeal No.27 of 2020 dismissing the appeal and thereby affirming the judgment and order of conviction and sentence dated 28.10.2019 passed by the learned Joint Sessions Judge, 4th Court, Tangail in Sessions Case No. 1550 of 2018 arising out of C.R. Case No. 139 of 2018 (Mirzapur) are hereby set aside.

The convict-petitioner, Md. Khorshed Uddin, 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.