Present:

Mr. Justice Md. Khasruzzaman

Criminal Revision No. 5210 of 2025

Md. Shamsul Hoque

....Convict- petitioner.

-Versus-

The State and another

……...Opposite parties.

Mr. Md. Alauddin, Advocate.

.....For the convict-petitioner.

Mrs. Asma Hosen, A.A.G. with
Mr. George Chowdhury, A.A.G. and
Mr. Md. Abul Hassan, A.A. G.

.....For the State.

Mr. Md. Shafiqul Islam, Advocate.

.....For the complainant-opposite party.

Judgment on 24.06.2026

This Rule was issued calling upon the opposite parties to show cause as to why the judgment and order of conviction and sentence dated 25.06.2024 passed by the learned Additional Sessions Judge, 1st Court, Tangail, in Criminal Appeal No. 660 of 2022, dismissing the appeal and thereby affirming the judgment and order of conviction and sentence dated 20.11.2022 passed by the learned Senior Judicial Magistrate, 1st Court, Tangail, in C.R. Case No.

221 of 2016, convicting the petitioner under section 420 of the Penal Code, 1860, and sentencing him to suffer rigorous imprisonment for 1 (one) year and 6 (six) months and to pay a fine of Tk. 5,000.00 (Five Thousand), in default, to suffer simple imprisonment for 1 (one) month more, should not be set aside and/or such other or further order or orders passed as to this Court may seem fit and proper.

It appears that the instant criminal revision was preferred by the convict-petitioner challenging the judgment and order of conviction and sentence affirmed by the learned Appellate Court.

During the pendency of the Rule, the convict-petitioner and the complainant-opposite party appeared before this Court and jointly submitted that they had amicably settled their dispute out of Court. They further submitted that, in view of such amicable settlement, the complainant-opposite party No. 2 had no objection to the petitioner being acquitted of the charge brought against him. In support of their submissions, the parties filed a joint

application seeking disposal of the Rule on the basis of the compromise arrived at between them, together with a compromise deed executed by both parties.

The complainant-opposite party and the convict-petitioner were identified by the learned Advocates appearing on their behalf. They also affirmed the statements and terms contained in the compromise deed before this Court.

I have heard the learned Advocates appearing for the convict-petitioner and the complainant-opposite party, as well as the learned Assistant Attorney-General appearing for the State. I have also perused the joint application for compromise, the compromise deed, the affidavit-in-opposition filed by the complainant-opposite party and the other materials available on record.

On careful consideration of the materials on record, it appears that the parties have voluntarily settled their dispute amicably outside the Court and have jointly approached this

Court seeking permission to compound the offence and to dispose of the Rule in terms of their compromise.

It further appears that the offence under section 420 of the Penal Code, 1860, is a compoundable offence with the permission of the Court under section 345(2) of the Code of Criminal Procedure, 1898. The table appended to the said section specifically provides that an offence punishable under section 420 of the Penal Code may be compounded, with the permission of the Court, by the person cheated.

Furthermore, section 345(5A) of the Code of Criminal Procedure expressly empowers the High Court Division, while exercising its revisional jurisdiction under section 439 of the said Code, to allow the compounding of any offence which the person concerned is legally competent to compound.

It is also pertinent to note that section 345(6) of the Code of Criminal Procedure provides that the composition of an offence under the said section shall have the effect of

an acquittal of the accused with whom the offence has been compounded.

Moreover, section 345(8) of the Code of Criminal Procedure, as inserted by the Code of Criminal Procedure (Amendment) Act, 2026, recognises the Court's authority to facilitate the compounding of a compoundable case where both parties agree and, upon being satisfied that a lawful agreement has been executed, to preserve such agreement on record and pass appropriate orders for giving effect thereto, provided that the rights or interests of any third party are not prejudiced.

In the present case, the complainant-opposite party, being the person competent to compound the offence, has appeared before this Court and unequivocally expressed his consent to the compromise. The convict-petitioner has also appeared and affirmed the terms of the compromise deed. Upon consideration of their statements and the materials on record, this Court is satisfied that the compromise has been entered into voluntarily, lawfully and without any apparent

coercion or undue influence. The Court is also satisfied that the compromise does not prejudice the rights or interests of any third party.

In view of the above facts and circumstances, the statutory provisions of law and the submissions advanced by the learned Advocates for the respective parties, I find that the compromise arrived at between the parties is legally permissible and deserves to be accepted.

Accordingly, the joint application for compromise is allowed. The parties are permitted to compound the offence under section 420 of the Penal Code, 1860, in terms of the compromise deed filed before this Court. The said compromise deed is accepted and shall form part of the record.

In the result, the Rule is made absolute on the basis of the compromise.

Consequently, the judgment and order conviction and sentence dated 25.06.2024 passed by the learned Additional

Sessions Judge, 1st Court, Tangail, in Criminal Appeal No. 660 of 2022, dismissing the appeal and thereby affirming the judgment and order of conviction and sentence dated 20.11.2022 passed by the learned Senior Judicial Magistrate, 1st Court, Tangail, in C.R. Case No. 221 of 2016, are hereby set aside.

Accordingly, the convict-petitioner is acquitted of the charge brought against him under section 420 of the Penal Code, 1860, in view of the legal effect of composition provided under section 345(6) of the Code of Criminal Procedure, 1898. The Trial Court is directed to take necessary steps.

The compromise deed shall be retained as part of the record.

Let the lower Court records be sent down.

Communicate the order.

(Md. Khasruzzaman, J:)