

বিল নং ..., ২০১০

Negotiable Instruments Act, 1881 (Act No. XXVI of 1881)-এর অধিকতর সংশোধনকল্পে প্রণীত আইন
যেহেতু Negotiable Instruments Act, 1881 (Act No. XXVI of 1881) এর অধিকতর সংশোধন সমীচীন ও
প্রয়োজনীয়--

সেহেতু, এতদ্বারা নিম্নরূপ আইন করা হইলঃ-

১। সংক্ষিপ্ত শিরোনাম ও প্রবর্তন।-(ক) এই আইন Negotiable Instruments (Amendment) Act, 2010 নামে
অভিহিত হইবে।

(খ) ইহা অবিলম্বে কার্যকর হইবে।

২। Act No. XXVI of 1881 এর section 138 এর সংশোধন।- Negotiable Instruments Act, 1881 (Act No.
XXVI of 1881), অতঃপর Act বলিয়া উল্লিখিত, এর section 138-এর

(ক) subsection (1) after the words “out of that account” the words, “for the discharge,
in whole or in part, of any debt or other liability” and after the words, ‘with fine
which may extend to’ the word, “twice” shall be substituted.

(খ) sub-section (3) -এর পর নিম্নরূপ sub-section (4) সন্নিবেশিত হইবে, যথা :-

(4) The Court shall, in respect of every proceeding under this Chapter, on production of
bank’s slip or memorandum having thereon the official mark denoting that the cheque has
been dishonoured, presume the fact of dishonour of such cheque, unless and until such fact
is disproved.”

৩। Act-এর section 141-এর clause (b) ও clause (c)-এর সংশোধন।

উক্ত Act-এর section 141-এর Clause (b)-এর পর একটি Proviso ও (c) নিম্নরূপে প্রতিস্থাপিত হইবে, যথা :-

“Provided that the cognizance of a complaint may be taken by the Court after the
prescribed period, if the complainant satisfies the Court that he had sufficient cause
for not making a complaint within such period.

(c) no court inferior to that of a Metropolitan Magistrate or Judicial Magistrate of the first
class shall try any offence punishable under section 138.”

৪। Act-এর section 141-এর পর নতুন sections 142 ও 143 এর সংযোজন।-

উক্ত Act এর section 141-এর পর নিম্নরূপ নতুন sections 142 ও 143 সংযোজিত হইবে, যথাঃ-

“142. **Power of Court to try cases summarily**-(1) Notwithstanding anything contained in
the Code of Criminal Procedure, 1898 (Act No. V of 1898) all offences under this Chapter
shall be tried by Metropolitan Magistrate or Judicial Magistrate of the first class and the
provisions of sections 260 to 265 (both inclusive) of Chapter XXII of the said Code shall, as
far as may be apply to such trials:

Provided that in case of any conviction in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term not exceeding one year and an amount of fine not exceeding ten thousand taka:

Provided further that when at the commencement of, or in the course of a summary trial under this section, it appears to the Magistrate that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the Magistrate shall after hearing the parties, record an order to that effect and thereafter recall any witness who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.

(2) The trial of a case under this section shall, in the interest of justice, be continued day to day until its conclusion, unless the Court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded in writing.

(3) Every trial under this section shall be conducted expeditiously and concluded within six months from the date of filing of the complaint.

(4) The Court passing the sentence shall be empowered to take action for the recovery of the fine under section 386 of the Code of Criminal Procedure, 1898 (Act No. V of 1898).

143. Offences to be compoundable and bailable: Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act No. V of 1898) every offence punishable under this Act shall be compoundable and bailable.