

Present:  
Mr. Justice Mohammad Marzi-ul-Huq  
and  
Mr. Justice Md. Ruhul Quddus

Criminal Appeal No.954 of 2006

Nilkanto Roy  
í Appellant  
-Versus-  
The State and another  
... Respondents

No one appears for the appellant

Mrs. Farida Khan, Advocate  
... for respondent No.2

Judgment on 25.1.2012

*Md. Ruhul Quddus, J:*

This criminal appeal under section 28 of the Nari-o- Shishu Nirjatan Daman Ain, 2000 at the instance of an accused is directed against order dated 28.2.2006 passed by the Nari-o-Shishu Nirjatan Daman Tribunal No.1, Lalmonirhat framing charge against him under section 9(4)(kha) of the Nari-o-Shishu Nirjatan Damon Ain in (Nari-o-Shishu) Special Case No.78 of 2005 on rejection of his application for discharge.

Facts leading to this appeal, in brief, are that the complainant Mst. Monwara Begum (herein respondent No.2) filed

a petition of complaint before the Nari-o-Shishu Nirjatan Daman Tribunal No.1, Lalmonirhat against the accused-appellant bringing allegation of attempting to rape on her minor daughter. The learned Judge of the Tribunal took cognizance of offence against him and proceeded with the case.

The appellant filed an application under section 265C of the Code of Criminal Procedure for discharge from the case. Learned Judge of the Tribunal heard the application and rejected the same by his order dated 28.2.2006 and framed charge against him under the said section of Nari-o-Shishu Nirjatan Daman Ain. Against the said order, the appellant moved in this Court with the instant criminal appeal and obtained an ad-interim order of stay.

The appeal has been appearing in cause list for several days with name of the Advocate for appellant. Today it is taken up for hearing, but no one for appellant appears to press the appeal.

Mrs. Farida Khan, learned Advocate appearing for the complainant-respondent submits that there is specific allegation of attempting to rape on a minor girl-student against the appellant, who is a teacher of her. Learned Judge of the Tribunal on consideration of the petition of complaint and after issuance of

summons upon the accused, took cognizance of offence against him in his presence. Subsequently the learned Judge framed charge against him by the impugned order on rejection of his application for discharge. There is nothing illegal, which calls for any interference by this Court.

We have gone through the petition of complaint and other materials on records. It appears that there is specific allegation of attempt to rape on a minor girl-student by the accused-appellant, who unfortunately happens to be her teacher. In view of the nature of allegation and specific overt act against the accused, we do not find any illegality in the impugned order.

Accordingly, the appeal is dismissed. The Nari-o-Shishu Nirjatan Daman Tribunal No.1, Lalmonirhat is directed to proceed with trial of (Nari-o-Shishu) Special Case No.78 of 2005 and conclude the same as expeditiously as possible.

Communicate a copy of this judgment at once.

Mohammad Marzi-ul-Huq, J:

I agree.