

Present
Mr. Justice Sheikh Abdul Awal
Criminal Appeal No. 1742 of 2017

Md. Shahid

.....Convict-appellant.

-Versus-

The State

.....Respondent.

No one appears.

.....For the convict-appellant.

Ms. Shahida Khatoon, D.A.G with

Ms. Sabina Perven, A.A.G with

Ms. Kohenoor Akter, A.A.G.

.....For the respondent

Judgment on 15.02.2024.

Sheikh Abdul Awal, J:

This Criminal Appeal at the instance of the convict appellant, Md. Shahid is directed against the judgment and order of conviction and sentence dated 04.09.2016 passed by the learned Additional Sessions Judge, 1st Court, Comilla in Sessions Case No. 576 of 2009 arising out of G.R. No. 60 of 2009 corresponding to Kotwali Model Police Station Case No. 61 dated 23.01.2009 convicting the accused appellant under table 3(Kha) of section 19(1) of the Madak Drabba Niantran Ain, 1990 (as amended in 2004) and sentencing him thereunder to

suffer simple imprisonment for a period of 2(two) years and to pay a fine of Taka 20,000/-(twenty thousand) in default to suffer simple imprisonment for 3 (three) months more.

No one appears for the appellant.

In view of the fact that this petty old criminal Appeal arising out of 2(three) years sentence has been dragging before this Court for more than 5 years, I am inclined to dispose of the same.

At the time of pronouncement of judgment, it appears from the record that this Court on 27.02.2017 at the time of admission of appeal granted ad-interim bail to the accused appellant for a period of 06(six) months and thereafter, no one took any steps to extend the order of bail as a result of which the said bail was expired long before on 27.08.2017. In that view of the matter, I have no hesitation to hold that the convict appellant is a fugitive from law and justice.

In the case of Anti-Corruption Commission Vs. Dr. HBM Iqbal Alamgir, reported in 15BLC, where it has been observed by the Appellate Division that Court would not act in aid of an accused person who is a fugitive from law and justice.

In view of the above, this Appeal must fail.

In the result, the appeal is dismissed. The convict-appellant, Md. Shahid is directed to surrender his bail bond within 3 (three) months from today to suffer his sentence, failing which the Trial Court below shall take necessary steps to secure arrest against the convict appellant.

Send down the lower Court records at once.