

Present

Mr. Justice Sheikh Abdul Awal

Criminal Appeal No. 5289 of 2018

Md. Mozammel @ Muju and others

.....Convict-appellants.

-Versus-

The State

.....Respondent.

No one appears

.....For the convict-appellants.

Ms. Shahida Khatoon, D.A.G with

Ms. Sabina Perven, A.A.G with,

Ms. Koheenoor Akter, A.A.G.

..... For the respondent.

Judgment on 04.06.2024.

Sheikh Abdul Awal, J:

This criminal appeal at the instance of convict appellant Nos. 1. Md. Mozammel @ Muju, 2. Md. Billal Mollah and 3. Md. Alam Hossain is directed against the impugned judgment and order of conviction and Sentence dated 15.11.2017 passed by the learned Additional Sessions Judge 2nd Court, Gazipur in Sessions Case No. 209 of 2013 arising out of G.R. No. 801 of 2012 corresponding to Joydevpur Police Station case No. 117 dated 31.07.2012 convicting the accused appellants under table 22(Ga) of the Madok Drabbya Niyatron Ain, 1990 and sentencing

him thereunder to suffer rigorous imprisonment for a period of 2(two) years and to pay a fine of Taka 5,000/- (three thousand) in default to suffer simple imprisonment for 01 (one) month more.

No one appears for the convict appellant despite of fact that this matter has been appearing in the list for hearing with the name of the learned Advocate for the appellants for days together.

In view of the fact that this petty old criminal Appeal arising out of 2(two) 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 29.05.2018 at the time of admission of appeal granted ad-interim bail to the accused appellant for a period of 01(one) year, which was lastly extended on 15.05.2019 for a period of 01(one) year 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 15.05.2020. In that view of the matter, I have no hesitation to hold that the convict appellants are fugitive from law and justice.

In the case of Anti-Corruption Commission Vs. Dr. HBM Iqbal Alamgir, reported in 15 BLC(AD) 44, it has

been held that the 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. Since the appeal is dismissed the convict- appellant Nos. 1. Md. Mozammel @ Muju, 2. Md. Billal Mollah and 3. Md. Alam Hossain are directed to surrender their bail bond within 3 (three) months from today to suffer their sentence, failing which the Trial Court below shall take necessary steps to secure arrest against the convict appellants.

Send down the lower Court records at once.