

Present

Mr. Justice Sheikh Abdul Awal

Criminal Appeal No. 11676 of 2018

Md. Jamal Hossain

.....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. Koheenoor Akter, A.A.G.

..... For the respondent.

Judgment on 23.05.2024.

Sheikh Abdul Awal, J:

This criminal appeal at the instance of convict appellant, Md. Jamal Hossain is directed against the impugned judgment and order of conviction and Sentence dated 18.10.2018 passed by the learned Additional Metropolitan Sessions Judge, 5th Court, Chattagram in Sessions Case No. 910 of 2017 arising out of G.R. No. 431 of 2016 corresponding to Bayezid Bostami Police Station case No. 44 dated 26.10.2016 convicting the accused appellant under table 9(kha) of section 19(1) of the Madok Drabbya Niyatron Ain, 1990 and sentencing

him thereunder to suffer rigorous imprisonment for a period of 7(seven) years and to pay a fine of Taka 5,000/-(five thousand) in default to suffer simple imprisonment for 01 (one) month more.

No one appears for the convict appellant.

In view of the fact that this petty old criminal Appeal arising out of 7(seven) 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 by order dated 20.01.2019 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 20.07.2019. 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 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, Md. Jamal Hossain 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.