

Present

Mr. Justice Sheikh Abdul Awal

Criminal Appeal No. 11805 of 2018

Abdul Alim @ A. Alim @ Abdul

.....Convict-appellant.

-Versus-

The State

.....Respondent.

Ms. Jobeda Begam, Advocate

.....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 01.07.2024.

Sheikh Abdul Awal, J:

This criminal appeal at the instance of convict appellant Abdul Alim @ A. Alim @ Abdul is directed against the impugned judgment and order of conviction and Sentence dated 21.06.2012 passed by the learned Joint Sessions Judge, 1st Court, Sylhet and Special Tribunal No.7, Sylhet in Sessions Case No. 207 of 2008 arising out of G.R. No. 60 of 2008 corresponding to Kotwali Police Station Case No. 62 dated 22.01.2008 convicting the accused appellant under table 1 (Ka) of section 19(1) of the Madok Drabbya Niyatron Ain, 1990 and sentencing

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

At the time of pronouncement of judgment, it appears from the record that this Court on 13.11.2018 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 23.09.2021 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 23.09.2022. In that view of the matter, I have no hesitation to hold that the convict appellant is fugitive from law and justice.

On a query from the Court Ms. Jobeda Begam, the learned advocate appearing for the convict-appellant submits that who having failed to make any contact with his client and thereby she is not in a position to take any steps to extend the order of bail.

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 Abdul Alim @ A. Alim @ Abdul 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.