

Present

Mr. Justice Sheikh Abdul Awal

Criminal Appeal No. 11829 of 2018

Md. Sayam Islam Babu

.....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 28. 05.2024.

Sheikh Abdul Awal, J:

This criminal appeal at the instance of convict appellant, Md. Sayam Islam Babu is directed against the impugned judgment and order of conviction and Sentence dated 13.11.2017 passed by the learned Special Session Judge, 3rd Court, Dhaka in Special Session case No. 166 of 2011 arising out of Dhaka Metro. Sessions Case No. 3683 of 2011, G.R. No. 304 of 2010 corresponding to Dokkhinkhan Police Station Case No. 35 dated 28.12.2010 convicting the accused appellant under table 3(ka) of section 19(1) 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 3,000/-(three thousand) in default to suffer rigorous imprisonment for 03 (three) months 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 appellant 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 13.11.2018 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 13.05.2019. 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. Sayam Islam Babu 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.