

Present

Mr. Justice Sheikh Abdul Awal

Criminal Appeal No. 12052 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 16.05.2024.

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 12.11.2017 passed by the learned Additional Sessions Judge, Patuakhali in Sessions Case No. 115 of 2012 arising out of G.R. No. 264 of 2012 corresponding to Patuakhali Police Station Case No. 19 dated 13.06.2012 convicting the accused appellant under table 9(kha) of section 19(1) of Madok Drobbo Niontron 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 imprisonment for 06 (six) months more.

No one appears for the convict appellant.

In view of the fact that this petty old criminal Appeal arising out of 5(five) 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 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 13.11.2019. 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.