

**IN THE SUPREME COURT OF  
BANGLADESH**

**HIGH COURT DIVISION**

**(CRIMINAL APPELLATE  
JURISDICTION)**

**Present:**

**Mr. Justice Md. Shohrowardi**

**Criminal Appeal No. 230 of 2021.**

Siddiquir Rahman alias Md. Siddiquir  
Rahman

..... appellant

-Versus-

The State and another

..... Respondents

Mr. Shaikh Atiar Rahman, Advocate  
... ..for the appellant

Mr. A.S.M. Kamal Amroohi  
Chowdhury, Advocate

...For the respondent No.1 ACC

Mr. Md. Akhtaruzzaman, DAG with

Mr. Sultan Mahmood Banna, AAG

with

Mr. Mir Moniruzzaman, AAG with

Mr. Md. Kaium, AAG

... For the State

**Heard on: 18.02.2025, 09.03.2025, 10.03.2025**

**Judgment on: 12.03.2025**

This appeal under Section 10 of the Criminal Law  
Amendment Act, 1958 is directed against the impugned  
judgment and order of conviction and sentence dated

07.12.2020 passed by Special Judge, Court No. 4, Dhaka in Special Case No. 01 of 2018 arising out of Motijheel Police Station Case No. 18 dated 15.11.2017 corresponding ACC G.R. No. 85 of 2017 convicting the appellant under sections 468 and 471 of the Penal Code, 1860 and sentencing him under section 468 of the Penal Code, 1860 to suffer rigorous imprisonment for 05(five) years and fine of Tk. 25,000, in default, to suffer imprisonment for three months more and convicting the appellant under section 471 of the Penal Code, 1860 and sentencing him thereunder to suffer rigorous imprisonment for 3 (three) years and fine of Tk. 10,000 (ten thousand), in default, to suffer imprisonment for 03 (three) months more, which will run concurrently.

The prosecution case, in short, is that the accused Siddiquir Rahman applied on 01.01.2009 to the NCC Bank Ltd for appointment in the post of Assistant Officer (Data Processing). In the application for appointment, the accused stated that he passed M.Com. After considering his application and the education qualification, the authority was pleased to appoint him to the post of Assistant Officer (Data processing) and directed him to submit his certificates and other relevant documents at the time of joining. He joined his service on 09.02.2009 in the Human Resources Department, Head Office of the NCC Bank and submitted the attested copies of his certificates. According to the biodata and the educational certificate, he passed HSC from Yeasin College, Faridpur, B.Com Hon's(Management) from Government Rjendra College, Faridpur, and M.Com (Management) from the same college. During the inquiry, it was found that the

accused passed the SSC examination from Dumraknadi High School, Faridpur with first division. But he did not pass the HSC, B.Com (Hon's), and M.Com. At the time of his joining in his service, he submitted the attested copies of HSC, B.Com (Hon's), and M.Com certificates attested by one Billal Hossain, Lecturer, Department of Sociology, Government Rajendra College, Faridpur. The Principal of the said college informed in writing that there is no lecturer in his college in the name of Billal Hossain. The accused created a forged seal, signed and attested the documents, and submitted those to the bank. The concerned authority of the National University informed in writing that the certificate of HSC, B.Com, and M.Com of the accused Siddiqur Rahman was forged, and he only passed the SSC examination. The accused knew that the certificates of HSC, B.Com, and M.Com were forged and knowingly submitted those documents at the time of joining his service.

P.W. 1 informant, Md. Fazlul Haque, Deputy Director, Anti-Corruption Commission, Dhaka, was appointed as the investigating officer of the case. During the investigation, he visited the place of occurrence, seized the documents, and recorded the statement of witnesses under section 161 of the Code of Criminal Procedure, 1898. After completing investigation, he found the prima facie truth of the allegation made against the accused and submitted memo of evidence to the Anti-Corruption Commission and obtained sanction from the Anti-Corruption Commission to submit the charge sheet and accordingly the investigating officer submitted charge sheet against the accused on 10.04.2018 under sections 420/

467/468/471 of the Penal Code, 1860 and section 5(2) of the Prevention of Corruption Act, 1947.

After that, the case record was transmitted to the Metropolitan Senior Special Judge, who transferred the case to the Special Judge, Court No. 4, Dhaka. During trial, charge was framed against the accused under sections 420/467/468/471 of the Penal Code, 1860 and section 5(2) of the Prevention of Corruption Act, 1947 which was read over and explained to the accused and he pleaded not guilty to the charge and claimed to be tried following law.

The prosecution examined 8 witnesses to prove the charge against the accused, and the defence cross-examined the prosecution witnesses. After examination of the prosecution witnesses, the accused was examined under section 342 of the Code of Criminal Procedure, 1898, and he declined to adduce any DW, but he submitted a written statement in support of his defence. After concluding the trial, the trial court, by impugned judgment and order, convicted the accused and sentenced him as stated above, against which he filed the instant appeal.

P.W. 1 Md. Fazlul Haque, Deputy Director, Anti-Corruption Commission, Dhaka, is the inquiry officer as well as the informant of the case. He stated that the accused Siddiqur Rahman applied on 01.01.2009 to NCC Bank for appointment in the post of Assistant Officer (Data Processing) and the bank authority was pleased to appoint him in the said post. After the appointment, the accused was directed to submit all his educational certificates and other

relevant documents at the time of joining the service. On 09.02.2009, he joined the said post in the Human Resources Department of the NCC Bank, Head Office, and submitted attested copies of his educational certificates. According to the biodata and educational certificates submitted by Siddiqur Rahman to the NCC Bank, he passed M.Com in Management with second class. During the inquiry, it was found that the accused Siddiqur Rahman only passed the SSC with first division from Dumrakandi High School, Faridpur. Thereafter, he could not pass the HSC examination. As per the certificate submitted by the accused at the time of joining, he passed HSC from Yeasin College, Faridpur. During the inquiry, the Principal of Yasin College, Faridpur, informed in writing that no student having the role number mentioned in the certificate studied in Yasin College. The Principal, Government Rajendra College, informed in writing that as per office record, the accused Siddiqur Rahman did not pass the B.Com (Hon's) in Management 2002 held in 2003 and the M.Com (Management) examination held in 2004. At the time of joining his service, the accused submitted his educational certificates attested by one Md. Billal Hussain, Lecturer, Sociology Department, Government Rajendra College, Faridpur. During the enquiry, the Principal of the said college informed in writing that there is no lecturer named Billal Hussain in the said college. He stated that the accused Siddiqur Rahman created the forged seal in the name of one Billal Hussain and attested the certificate of his educational certificates and submitted the forged certificate of H.S.C, B.Com, and M.Com. The controller of National University

also informed him that the certificates of the accused Siddiquir Rahman of B.Com and M.Com degrees were not issued by the authority of National University. During the enquiry, it was found that the accused only passed the SSC examination and had created/forged certificates of HSC, B.com, and M.com and used those documents at the time of his joining in the service of NCC bank. He submitted the enquiry report to the Anti-Corruption Commission to lodge FIR against the accused. After getting approval from the Anti-Corruption Commission, he lodged the FIR. He proved the FIR as exhibit-1 and his signature on the FIR as exhibit-1/1. He proved the appointment letter dated 20.07.2016 as exhibit-2, the sanction letter dated 05.11.2017 as exhibit-3, and the letter dated 13.08.2017 issued by the Government Yeasin College as exhibit-4. The letter dated 30.08.2017 issued by the Government Rajendra College as exhibit-5, the letter dated 12.09.2017 issued by the Government Rajendra College as exhibit-6, letter dated 13.08.2017 issued by the Controller of Examination of National University as exhibit-7. He proved the letter dated 06.08.2017 issued by the Legal Matter and Recovery Division, NCC Bank, along with the job application, the photograph, bio-data, copy of the educational certificates of the accused Siddiquir Rahman, and other papers forwarded to him by the bank as exhibit-8 series. During cross-examination, he stated that the occurrence took place between 01.01.2009 to 09.02.2009, and FIR was lodged on 15.11.2017. The Anti-Corruption Commission gave sanction on 20.07.2017, and he took up the inquiry on 26.07.2017 and submitted the report on 21.09.2017. The accused got the

appointment on 05.02.2009, and he joined his service on 09.02.2009. The accused submitted his attested copies of the certificates on 09.02.2009. The bank authority issuing the letter of appointment dated 05.02.2009 directed the accused to submit his educational certificates. He seized the attested copies of the educational certificates of the accused. He admitted that the accused passed the SSC examination with First Division. He denied the suggestion that during the inquiry, he found that the accused passed the SSC, HSC, B.Com (Hon's), and M.Com. He admitted that the National University issued both provisional and original Certificate. He denied the suggestion that there was a lecturer named Billal Hossain in Faridpur Rajendra College, or accused did not commit forgery in respect of his certificates. He admitted that he wrote his Mobile number, and the accused persons did not communicate over his mobile number. He denied the suggestion that he wrote his mobile number in the FIR to make room for the accused to communicate with him. He denied the suggestion that he received the illegal benefit from the accused and filed a false case against him.

P.W. 2 Abu Foiz Md. Khairul Islam is the Head Assistant of Government Yeasin College, Faridpur. He stated that on 23.01.2018, Md. Fazlul Haq, Deputy Director, Anti-Corruption Commission, came to his office and he produced the admission register for the years 1996-97 to 1999 of the student of the 11<sup>th</sup> class to him. Serial No. 705, page 111 of the register, contains the name and address of the accused Siddiqur Rahman, son of Md. Masum Mia, village-Muralidaha, Post Office- Kamrul Thana, Thana-Kotwali,

Faridpur. He was a student of the first year HSC(Commerce) in the year 1997-1998. In the register, it has been mentioned that Siddiquir Rahman passed the SSC examination from Domrakandi High School. The tabulation sheet No. 9052017 of the book of the Secondary and Higher Secondary Education Board, Dhaka, for the year 1999 and the HSC commerce contains the name of Siddiquir Rahman, having role No.524716, and the result of the HSC examination is stated as failed. He presented the register and tabulation sheet in the presence of Gobindha Chandra Bishwas, Principal of the College, to the Officer of the Anti-Corruption Commission which was seized on 23.01.2018 at 3.00 pm. He proved the seizure list as exhibit-9 and his signature thereon as exhibit-9/1. The seized documents were given into his custody by Zimmanama. He proved the Zimmanama as exhibit-10 and his signature thereon as exhibit-10/1. He proved the register as exhibit-11 and the tabulation sheet as exhibit-12. He denied the suggestion that the seizure list was not read over to him or that he signed the blank sheet of paper. He admitted that the documents produced by him remained in his custody. The tabulation sheet was prepared by the Secondary and Higher Secondary Education Board, Dhaka, and there is no signature. He has been working in the college since 10.09.2017. He denied the suggestion that the tabulation sheet was not properly collected. He admitted that he took the documents in his custody as per the instruction of the Principal of the college. He deposed in court as per his instructions. He affirmed that the Anti-Corruption



Commission requested him to depose in court, and as per the instruction of the Principal, he deposed in court.

P.W. 3 Professor Gobinda Chandra Bishwas is the Principal (retired) of Government Yasin College, Faridpur. He stated that on 23.01.2018, Md. Fazlul Haq, Deputy Director of the Anti-Corruption Commission, came to his office and he produced the admission register of the 11<sup>th</sup> class for the years 1996-97 to 1999-2000. The serial No. 705 page No. 111 of the register contained the information regarding the admission of Siddiquir Rahman in 11<sup>th</sup> class (commerce group), which is produced in court. The tabulation sheet of HSC (commerce) for the year 1999-2000 of the Board of Intermediate and Secondary Education, Dhaka, was also produced to the officer of the Anti-Corruption Commission, and the name of the accused Siddiquir Rahman, has been mentioned in serial No. 9052017 of the tabulation sheet. As per the tabulation sheet, Siddiquir Rahman failed in the HSC examination. The accused Siddiquir Rahman could not pass the HSC examination. Following his instruction, Abul Foiz Ahmed, Head Assistant, produced the documents to the Officer of the Anti-Corruption Commission, who seized the documents and prepared the seizure list. He signed the seizure list. He proved his signature on the seizure list as exhibit-9/2. The seized documents were handed over to the custody of the Head Assistant by Zimmanama. He signed the Zimmanama. He proved his signature on the Zimmanama as exhibit-10/2. In the tabulation sheet, it has been mentioned that Ataur Rahman is the Controller of Examination, but the tabulation sheet does not contain his signature. He admitted that the

accused Siddiqur Rahman was a student of his college. He denied the suggestion that, at the instruction of Deputy Director Fazlul Haq, he deposed falsely.

P.W. 4 Humayra Chowdhury was a Junior Officer, Human Resources Department of NCC Bank Ltd, Head Office, Dhaka. She stated that on 24.12.2017, Md. Fazlul Haq, Deputy Director, Anti-Corruption Commission, came to his office. As per the direction of her authority, she produced the documents regarding the appointment of Siddiqur Rahman to Md. Fazlul Haq and at that time, SVP Suja Uddin were present there. The Deputy Director, Fazlul Haq, seized the documents and prepared the seizure list. She proved the seizure list as exhibit-13 and her signature thereon as exhibit-13/1. The seized documents were handed over to her Zimma. She proved the Zimmanama as exhibit-14 and her signature on the Zimmanama as exhibit-14/1. She proved the CV of Siddiqur Rahman along with two copies of color photographs as Exhibit 15. She proved the appointment letter dated 05.02.2009, joining letter, medical certificate, character certificate, service record, General declaration of fidelity, declaration of secrecy, photocopy of the certificate issued by Dhaka City Corporation, photocopy of provisional certificate of Masters (Management), photocopy of provisional certificate of Bachelor of Commerce and photocopy of HSC examination of accused Siddiqur Rahman as exhibit-16 series. She proved the transfer order and the joining letter of the accused Siddiqur Rahman as Exhibit 17. She proved the letter issued by the authority of the National University to verify the certificate of graduation and master's decree of

Siddiquir Rahaman submitted by him to the bank as Exhibit 18. She submitted the verification letter dated 26.08.2015 sent to the Bank by the National University. She proved the letter issued by the bank to the National University to verify the certificates of graduation and master's decree of Siddiquir Rahman as Exhibit 18. She proved the verification dated 26.08.2015, sent to the bank by National University as Exhibit 19. She proved the letter dated 16.08.2016 of the accused Siddiquir Rahman as Exhibit-20.

During cross-examination, she stated that the appointment of the accused Siddiquir Rahman was made permanent on 03.03.2010, and he was promoted to the post of Junior Officer. She also admitted that he was promoted considering his efficiency. She denied the suggestion that he was promoted after verification of his certificates. At the time of promotion, the accused was not requested to submit certificates of his educational qualification. He did not say to the investigating officer that the accused Siddiquir Rahman filed his M.Com and B.Com Hon's certificates with the bank. She denied the suggestion that she deposed falsely as per the instruction of his higher authority.

P.W. 5 Mosharaf Ali is the Principal of Government Rajendra College, Faridpur. He stated that following the requisition of the Anti-Corruption Commission dated 10.08.2017, he informed the Anti-Corruption Commission by letter dated 13.08.2017 that no information regarding admission of Siddiquir Rahmann in the Management Hon's course for the year 1999-2000 and Master's in Management

for the year 2002 to 2003 is found in his college. He proved his signature on the letter dated 30.08.2017 as exhibit-5/1. He also informed that there was no Lecturer named Billal Hosssain on 15.09.2009 in the Sociology Department of Government Rajendra College. He proved his signature on the letter dated 20.09.2017. During cross-examination, he stated that he took charge as Principal of Government Rajendra College in 2016. He denied the suggestion that after 2000, Md. Billal Hossain was the Lecturer of Government Rajendra College, Faridpur.

P.W. 6 Badruzzaman is the Controller of Examination, National University, Gazipur. He stated that on 13.08.2007, he was the Controller of Examination of National University, Gazipur and following requisition dated 10.08.2017 issued by the Anti-Corruption Commission by reference No. 10086 dated 13.08.2017, he sent information to Deputy Director Fazlur Haque of Anti-Corruption Commission that photocopies of certificates of B.Com (Hon's) in Management, 1<sup>st</sup> Class held in 2002 having Role No. 560149, Registration No. 980164, education year 1999-2000 and M.Com (Management) Second Class held in 2003 having Role No. 251405 Registration No. 850723, education year 2002-03 are not correct. He found that those documents were not issued by the University. He proved his signature on the reference dated 13.08.2017 as Exhibit-7/1. During cross-examination, he stated that the original certificate of the accused was not sent to him for verification. He denied the suggestion that the genuineness of the certificates could not be ascertained without scrutiny of the original certificates. He admitted that

he did not receive the original provisional certificate from the Anti-Corruption Commission. He denied the suggestion that, due to a session jam, the role number became erroneous or that his letter was not collected. He admitted that the officer of the National University did not issue any photocopy of any certificate.

P.W. 7 Md. Suja Uddin is the SVP of the Recovery Division(retired) of NCC Bank, Dhaka. He stated that on 24.12.2017, Md. Fazlul Haque, Deputy Director Anti-Corruption Commission, came to the Human Resource Department of NCC Bank, Dhaka. He produced the service record of the dismissed officer Siddiquir Rahman to the Deputy Director through Humayra Chowdhury. He proved those documents. He proved his signature as Exhibit 13/2. The seized documents were handed over to the custody of Humayra Chowdhury. He signed the Zimmanama. He proved his signature on the Zimmanama as exhibit-14/2. During cross-examination, he stated that he and Humayra Chowdhury used to work in two separate departments of the Bank. He admitted that he retired from service, and Humayra Chowdhury is still in service. He admitted that at the time of the appointment of the employees of bank, the certificates were not verified. He could not say whether, at the time of promotion, the academic certificates were verified by the authority of the bank. He scrutinized the records of the accused and found that he submitted his biodata to the bank on 01.01.2009, and the accused was appointed for one year on a contract basis. The authority directed the accused to submit all his academic certificates at the time of joining. He joined

the bank on 09.03.2000 and submitted his documents. He denied the suggestion that all the documents were found correct. He could not say whether the original documents of the accused were seized. He denied the suggestion that, at the instruction of Fazlul Haque and Humayra Chowdhury, he concealed the truth.

P.W. 8 Fazlul Haq is the Deputy Director of the Anti-Corruption Commission. He is the investigating officer of the case. He stated that he was appointed as an investigating Officer vide Memo No. 33293 dated 05.11.2017 and took up the investigation of the case on 21.11.2017. During the investigation, he visited the place of occurrence, seized the documents, and recorded the statement of the witnesses under section 161 of the Code of Criminal Procedure, 1898. He proved his signature on the seizure list as exhibit-13/3. He handed over the seized documents to the custody of the witnesses. He proved his Zimmanama as exhibit-14/3. He proved his signature on the Zimmanama as exhibit- 14/3. During investigation, the Principal of Government Yasin College, Faridpur vide Memo No. 033/18 sent attested copies of the HSC admission register of the college for the year 1997-1998 and attested copies of the tabulation sheet of HSC examination furnished to the college by the Board. The admission register and tabulation sheet depict that Siddiquir Rahman failed in the HSC examination. He seized the original documents on 23.01.2018 at 3.00 pm from Government Yasin College, Faridpur, and handed over those documents to the custody of the presenter. He proved his signature on the seizure list as exhibit-9/3 and his signature

on the Zimmanama as exhibit-10/3. Professor Mosharaf Ali, Principal of Government Rajendra College, Faridpur vide memo No. 100/1 dated 22.08.2018 submitted the documents relating to the admission in B.com (Hon's) in Management course for 1999-2000 and admission in M.com Management. The accused Siddiequr Rahman submitted his biodata to the NCC Bank and applied for appointment. His appointment letter was issued on 05.02.2009 as Assistant Officer (Data processing), and he was requested to submit all his educational certificates at the time of joining. Siddiquir Rahman joined on 09.02.2009 in the Human Resource Department of the Head Officer of the NCC Bank and submitted photocopy of the certificates of SSC to M.Com along with other documents. In the bio-data it has been mentioned that he passed the SSC examination with First Division, HSC (Commerce) with the First Division from Government Yasin College, B.Com, and M.Com from Government Rajendra College, Faridpur with First Class and Second Class respectively. He found that the accused Siddiquir Rahman did not pass the HSC examination, and he did not study B.Com or M.Com. He did not appear in the examination and also did not pass the said examination. He only passed the SSC examination, and his 03 educational certificates were forged. There was no Lecturer named Billal Hossain in the college who allegedly attested the certificates of the accused. Without passing HSC, B-com, and M-com, he forged the certificates of those examinations and attested the photocopies of those certificates, creating a forged seal and signature of Billal Hossain, and submitted those documents to

NCC Bank as genuine to obtain a job in the bank. He joined the service fraudulently and dishonestly. During the investigation, he found the truth of the allegation of forgery and using forged documents against the accused and submitted the memo of evidence on 03.08.2018. The Anti-Corruption Commission had approved to submit the charge sheet against the accused, and accordingly, on 10.04.2018, he submitted the charge sheet against the accused. He proved the sanction letter as Exhibit 21. During cross-examination, he stated that despite the service of notice, the accused did not appear before the Anti-Corruption Commission. He admitted that he is the inquiry officer, informant, and the investigating Officer of the case. He admitted that the accused Siddiquir Rahman passed the SSC examination with the First Division. He was confirmed in the service on 03.03.2010. He denied the suggestion that the documents of Siddiquir Rahman were verified before confirmation of service or that accused Siddiquir Rahman was promoted to the post of Junior Officer after verification of his documents. He admitted that he did not seize the original certificate of the B.Com and M.Com of the accused. The accused did not submit his original certificates. He denied the suggestion that certificates of the accused Siddiquir Rahman were not forged and fabricated, or that he did not commit any forgery or that the Human Resource Division promoted the accused after verification of his certificates. The accused Siddiquir Rahman did not submit any forged certificate to the NCC Bank. He denied the suggestion that he deposed concealing the truth.



The learned Advocate Mr. Sheikh Atiar Rahman appearing on behalf of the appellants submits that the accused did not submit any forged document to the NCC bank at the time of joining in his service and after scrutiny of the genuinity of all the documents, the service of the accused was confirmed and he was promoted to the post of Junior Officer and the prosecution failed to prove the charge against the accused beyond all reasonable doubt. However, he submits that the impugned sentence passed by the trial court is too harsh and liable to be set aside.

The learned Advocate Mr. ASM Kamal Amroohi Chowdhury, appearing on behalf of the respondent No. 2, Anti-Corruption Commission, submits that the accused submitted the application along with biodata stating that he passed the M.Com from Government Rajendra College, Faridpur, and at the time of joining, the accused submitted the photocopies of the SSC, HSC, B.Com and M.Com and during trial the prosecution proved that the accused did not pass the HSC, B.Com and M.Com, and forged certificates of HSC, B.Com and M.Com and obtained job using those forged documents. The trial court, on correct assessment and evaluation of evidence, legally passed the impugned judgment and order of conviction and sentence. He prayed for the dismissal of the appeal.

I have considered the submission of the learned Advocate Md. Sheikh Atiar Rahman, who appeared on behalf of the appellant, and the learned Advocate Mr. ASM Kamal Amroohi Chowdhury, who appeared on behalf of the

respondent No. 2 ACC, perused the evidence and the impugned judgment and order passed by the trial court and the records.

On perusal of the evidence, it is found that the accused applied on 01.01.2009 to the NCC Bank for the post of Assistant Officer (Data Processing) stating that he passed HSC from Government Yasin College, Faridpur and passed B.Com (Hon's) in Management and M.Com from Government Rajendra College, Faridpur and he was appointed by the letter dated 05.02.2009 (exhibit-8/5) in the said Bank as Assistant Officer (Data Processing). He was promoted on 01.04.2011 to the post of Junior Officer. At the time of joining his service on 09.02.2009 to the post of Assistant Officer (Data Processing), the accused submitted the photocopies of the certificates of SSC, HSC, B.Com, and M.Com attested by one Billal Hossain, which were proved as exhibit-8 series. P.W. 3 Professor Gobinda Chandra Biswas, Government Yasin College, Faridpur, stated that in the tabulation sheet issued by the Secondary and Higher Secondary Education Board, Dhaka of the HSC examination held in 1999, it has been mentioned that the accused Siddiquir Rahman did not pass the HSC examination.

P.W. 2 proved the tabulation sheet as exhibit-12. P.W. 5 Mosharaf Ali, Principal of Government Rajendra College, Faridpur, stated that there is no information about the accused Md. Siddiquir Rahman in the college regarding the B.Com (Hon's) Course 1999-2000 and the Master's Course in 2002-2003. He also stated that there was no Lecturer named Md.

Billal Hossain, Sociology Department of Government Rajendra College on 15.09.2009. He proved his signature as exhibit- 6/1 in the Memo No. 1076 dated 12.09.2017. P.W. 6 Badruzzaman, Controller of Examination, National University, Gazipur, stated that on 13.08.2017, he discharged his duty as Controller of Examination, National University, Gazipur. The National University by Memo No. 10086 dated 13.08.2017 informed the Md. Fazlul Haq, Deputy Director, ACC that the certificate of accused Siddiquir Rahman, Role No. 560149, Registration No. 980164, education year 1999-2000, B.Com Hon's (Management) Result First Class, Role No. 251405, Registration No. 850723, educational year 2002-2003 M.Com (Management) Examination, 2003, Result-Second Class were not issued by the National University. He proved the certificate as exhibit-7 and his signature as exhibit-7/1.

On scrutiny of the evidence (exhibits-4 to 7, 8 series 12, 16 and 19) it is found that the accused Md. Siddiquir Rahman only passed SSC examination and did not pass the HSC, B.Com (Hon's) and M.Com and at the time of joining his service as Assistant Officer (Data Processing) of the NCC Bank on 09.02.2009, he submitted the photocopy of the forged certificates of those examinations and forged the seal in the name of Billal Hossain, Lecturer, Government Rajendra College, Faridpur and using the forged seal attested his forged certificates. In fact, there was no existence of Billal Hossain in the Sociology Department of Government Rajendra College. Therefore, I am of the view that the accused Siddiquir Rahman forged his HSC, B.Com, and

M.Com certificates and, using those forged documents, obtained an appointment as Assistant Officer (Data Processing) of the NCC Bank Ltd and thereby committed offence under sections 468/471 of the Penal Code, 1860. The prosecution proved the charge against the accused under section 468/471 of the Penal Code, 1860 beyond all reasonable doubt.

It is found that at the time of filing application for appointment, original certificate of HSC, B.Com and M.Com of the accused was not submitted and at the time of joining the service of the accused on 09.02.2009, the accused submitted the photocopy of the forged documents and the bank authority without examining the original certificates of the accused promoted him to the post of Junior Officer.

Considering the gravity of the offence and the facts and circumstances of the case, I am of the view that the ends of justice would be best served if the sentence passed by the trial court is modified as under:

The accused Siddiquir Rahman alias Md. Siddiquir Rahman is found guilty of the offence under sections 468/471 of the Penal Code, 1860 and he is sentenced to suffer rigorous imprisonment for 02(two) years under section 468 of the Penal Code, 1860 and fine of Tk.10,000, in default, to suffer imprisonment for two months and he is sentenced under section 471 of the Penal Code, 1860 to suffer rigorous imprisonment for 01(one) year and fine of Tk. 5000, in default, to suffer imprisonment for one month which will run concurrently.

In the result, the appeal is disposed of with modification of the sentence.

However, there will be no order as to costs.

Send down the L.C.R. at once.