

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p style="text-align: center;">বাংলাদেশ সুপ্রীম কোর্ট হাইকোর্ট বিভাগ (ফৌজদারী আপীল অধিক্ষেত্র)</p> <p style="text-align: center;">উপস্থিতঃ বিচারপতি জনাব মোঃ আশরাফুল কামাল</p> <p style="text-align: center;">ফৌজদারী আপীল নং- ৪৭৪০/২০২২</p> <p style="text-align: center;">আবুল কালাম আজাদ ওরফে আজাদ রহমান -----সাজাপ্রাপ্ত-আপীলকারী।</p> <p style="text-align: center;">-বনাম- রাষ্ট্র -----প্রতিবাদী</p> <p style="text-align: center;">এ্যাডভোকেট মোঃ আব্দুল আওয়াল ---সাজাপ্রাপ্ত-আপীলকারী পক্ষে।</p> <p style="text-align: center;">এ্যাডভোকেট মোঃ নুরউস সাদিক চৌধুরী, ডেপুটি এ্যাটর্নী জেনারেল সংগে এ্যাডভোকেট লাকী বেগম, সহকার এ্যাটর্নী জেনারেল এ্যাডভোকেট ফেরদৌসী আক্তার, সহকারী এ্যাটর্নী জেনারেল -- ১নং প্রতিপক্ষ পক্ষে।</p> <p style="text-align: center;">শুনানী তারিখঃ ০৫.০৩.২০২৩ এবং রায় প্রদানের তারিখঃ ০৪.০৬.২০২৩।</p> <p>বিচারপতি জনাব মোঃ আশরাফুল কামালঃ</p> <p>বিজ্ঞ বিশেষ জজ, বিশেষ আদালত নং ৫, ঢাকা কর্তৃক বিশেষ মোকদ্দমা নং- ১১/২০২০-এ প্রদত্ত বিগত ইংরেজী ২৫.০৪.২০২২ তারিখে রায় ও দন্ডদেশের বিরুদ্ধে অত্র ফৌজদারী আপীল।</p> <p>সাজাপ্রাপ্ত-আপীলকারী পক্ষে বিজ্ঞ এ্যাডভোকেট জনাব মোঃ আব্দুল আওয়াল বিস্তারিতভাবে যুক্তিতর্ক উপস্থাপন করেন। অপরদিকে ১নং প্রতিপক্ষ পক্ষে বিজ্ঞ এ্যাডভোকেট জনাব নুরউস সাদিক চৌধুরী, ডেপুটি এ্যাটর্নী জেনারেল-রাষ্ট্রপক্ষে বিস্তারিতভাবে যুক্তিতর্ক উপস্থাপন করেন।</p> <p>অত্র আপীল মেমো এবং নথী পর্যালোচনা করা হলো। সাজাপ্রাপ্ত-আপীলকারী পক্ষে বিজ্ঞ এ্যাডভোকেট জনাব মোঃ আব্দুল আওয়াল এবং রাষ্ট্র-প্রতিপক্ষ পক্ষে বিজ্ঞ এ্যাডভোকেট জনাব নুরউস সাদিক চৌধুরী, ডেপুটি এ্যাটর্নী জেনারেল এর বক্তব্য শ্রবণ করলাম।</p> <p style="text-align: center;">গুরুত্বপূর্ণ বিধায় বিশেষ জজ, বিশেষ আদালত নং-০৫, ঢাকা কর্তৃক বিশেষ মামলা নং-১১/২০২০-এ প্রদত্ত বিগত ইংরেজী ২৫.০৪.২০২২ তারিখের রায় নিম্নে অবিকল অনুলিখন হলোঃ</p>

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		<p><i>The prosecution case, in brief, is that on 25.09.2019, one Md. Ziaul Hassan, an Inspector of Police (Shohor-O-Jan), CPC-2, RAB-3, Tikatuli, Dhaka as informant, lodged a First Information Report ((hereinafter referred as FIR) being Wari Police Station Case No.34 dated 25.09.2019 under section 4(2) of the Money Laundering Prevention Act, 2012 with the Wari Police Station, Dhaka against the accused 1 Abul Kalam Azad alias Azad Rahman, 2. Enamul Haque Enu and others stating inter alia that while he along with other officers and forces were on duty for Anti-Casino Operation under Wari Police Station area pursuant to the CPC-2, Moghbazar Camp's Operation C.C. No. 149/2019 dated 24.09.2019, he received a secret information that a huge amount of illegal money earned form Casino (one kind of gamble) were kept at the house of accused Abul Kalam Azad, a trusted servant of accused Enamul Haque Enu, who is an active member of Casino Management Team of Motijheel Wanderers Club, Dhaka. Thereafter, the informant informed the matter to his superior authority and after obtaining permission from the authority, on 24.09.2019 at about 14.30 p.m., he along with other officers and forces under the command of Mr. Md. Akhtaruzzaman, Nirbahi Magistrate, RAB-3 rushed to the place of occurrence at House No. 83/1, Lalmohon Street, Police Station Wari, District Dhaka and surrounded the aforesaid house. After conducting search in the 2nd floor of the said Abul Kalam Azad's 4 storied building, they recovered an amount of Tk. 2,00,00,000/- from an iron made Sinduk (সিন্দুক) kept in his living room located in the northern side of his flat in presence of the local witnesses. On interrogation, Shila Rahman,</i></p>

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		<p><i>the wife of Abul Kalam Azad disclosed that some associates of Enamul Haque Enu who is his husband's boss perpetuated the aforesaid money along with Sinduk to their house in presence of her husband on 19.09.2019. Thereafter, the team seized the goods, prepared seizure list, took signatures of the witnesses while the FIR- named accused Abul Kalam Azad managed to flee away from the place of occurrence. The accused Enamul Haque Enu and others being aware of anti casino drive hide their illegally earned money in the house of the accused Abul Kalam Azad and hence, is the case.</i></p> <p><i>Since the alleged offences committed by the accused persons are to be investigated by Criminal Investigation Department (CID), Mohammad Sadek Ali, an Inspector of Police, CID Organized Crime being appointed as the Investigating Officer (IO) visited the place of occurrence, prepared the sketch-map with index; arrested accused Enamul Haque, Rupon Bhuiyan, Abul Kalam Azad, Tuhin Munshi, Nobir Hossain, Saiful Islam in this case; produced the accused Abul Kalam Azad before the learned Metropolitan Magistrate for recording his confessional statement, then recorded the statement of witnesses under section 161 of the Code of Criminal Procedure and then he filed with the case record the confessional statement of the accused Saiful Islam and Nobir Hossain recorded in connection with Sutrapur PS Case NO. 29(9) 2019 which was also under his investigation and after investigation submitted charge-sheet being Charge Sheet No. 108 dated 21.07.2020 under section 4(2) of the Money Laundering Prevention Act, 2012 against the accused namely, Enamul Haque Enu, Abul Kalam Azad, Rupon</i></p>

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		<p><i>Bhuiyan, Shahidul Haque Bhuiyan, Md. Pavel Rahman, Tuhin Munshi, Nobir Hossain Shikdar, Md. Saiful Islam and Joy Gopal Sarker before the learned Metropolitan Senior Special Judge, Dhaka.</i></p> <p><i>The learned Metropolitan Senior Special Judge, Dhaka took cognizance of the offences against the accused persons and case was transferred to this Court and it was registered as Special Case No. 11 of 2020.</i></p> <p><i>During the trial charge under section under section 4(2) of the Money Laundering Prevention Act, 2012 was framed against the accused persons to whom was read over and explained to them which they pleaded not guilty and claimed to be tried and the same was not read over and explained to the accused Merajul Haque Bhuiyan, Rashidul Haque Bhuiyan, Shahidul Haque Bhuiyan, Md. Pavel Rahman due to their absconsion.</i></p> <p><i>In course of trial the prosecution in support of the case examined 10(ten) witness. After closure of the prosecution witnesses the accused persons present were examined under section 342 of the Code of Criminal Procedure when they pleaded innocent and declined to give witness in their defence. And it was again not possible to examine the accused, Merajul Haque Bhuiya, Rashidul Haque Bhuiyan, Shahidul Haque Bhuiyan, Md. Pavel Rahman under section 342 of the Code of Criminal Procedure for the same reason as mentioned above.</i></p> <p><i>From the trend of cross examination of the prosecution witnesses, the case of the accused side, as it stands is that they are totally innocent and they did not involve in the alleged occurrence in any way. They have been falsely implicated in the case etc.</i></p>

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		<p style="text-align: center;"><u>Points for determination</u></p> <p>1. Whether the accused, Enamul Haque Enu, Rupon Bhuiyan, active members of Casino Management Team of Motijheel Wanderers Club, Dhaka with the assistance and collaboration of other accused persons illegally earned Tk. 2,00,000,00/- from Casino gambling and the same was kept at the house of accused Abul Kalam Azad, a trusted servant of accused Enamul Haque Enu, and Rupon Bhuiyan in order to shift, convert and transfer elsewhere?</p> <p>2. Whether the accused persons jointly committed the offence of money laundering?</p> <p>3. Whether the accused persons committed the offence under section 4(2) of the Money Laundering Prevention Act 2012, for money laundering?</p> <p>4. Are the accused persons guilty?</p> <p style="text-align: center;"><u>Findings and discussion:</u></p> <p><u>Points No. 1-4:</u> All the points are taken up together for the sake of convenience and brevity of discussion.</p> <p>P.W-1 Md. Ziaul Hasan, is the Inspector of police and also informant and in his examination in chief he narrated that on 24.09.2019 he worked as DAD at RAB-3, CPC-2, Moghbazar Camp. On that day at 2.30pm he received a secret information that a huge amount of illegal money earned from Casino (one kind of gamble) in Motijheel Wanderers Club were kept at House No. 83/1, Lalmohon Street. Thereafter, he along with other officers and forces under the command of Mr. Md. Akhtaruzzaman, Nirbahi Magistrate, RAB-3 vide Operation CC No. 149/2019 dated 24.09.2019 rushed to the place of occurrence and surrounded the aforesaid four storied house. After cordoning the house he came to know that the owner of the house was Abul Kalam Azad. Then</p>

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		<p><i>they conducted search in the 2nd floor of the said Abul Kalam Azad's 4 storied building in the presence of three witnesses while the accused Abul Kalam Azad managed to glee away from the place of occurrence. His wife and daughter shoed them an iron made Sinduk (সিন্দুক) which was kept open in the presence of Nirbahi Magistrate Mr. Md. Akhtaruzzaman and they recovered an amount of Tk. 2,00,00,000/- from Sinduk (সিন্দুক). Then SI Shymol Chandra Bormon seized the money by a seizure list at 18.40 pm, took signatures of the witnesses and Nirbahi Magistrate Mr. Md. Akhtaruzzaman. On interrogation, Shila Rahman, the wife of Abul Kalam Azad disclosed that her husband Abul Kalam Azad is the close associate of Enamul Haque Eanu, an active member of Casino Management Team of Motijheel Wanderers Club. This Enamul Haque Eanu kept the said money with Sinduk in her husband's house on 19.09.2019. Thereafter they came back to Camp with the seized money and he lodged the F.I.R with Wari Police Station (Exbt-1) under section 4(2) of the Money Laundering Prevention Act 2012 against the accused Abul Kalam Azad, Enamul Haque and 5/6 others.</i></p> <p><i>At his cross-examination he told that there was one gate at the cordoned house. We were 8 members team. Five entered into house and three including diver remained at the gate. We did not mention the brand of the Sinduk but it was key lock system. We opened the Sinduk's lock by lock maker whose name was not mentioned in the FIR or in the seizure list. We did not mention the serial number of seized money either in the RIR or seizure list. We did not mention 1000 Taka note's colour separately. It was not mentioned in the FIR that the accompanying force did</i></p>

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		<p><i>not see when accused Abul Kalam Azad fled away from the spot while surrounding the house. Shila Rahman and Tanjila Rahman were not included as witness in the seizure list. They were not made accused. There was no CCTV footage or witness to the fact that the accused Enamul Haque on 19.09.2019 kept the money on the house of accused Abul Kalam Azad. It was not mentioned in the FIR whether the seized money was genuine or forged one but the same was checked by Bangladesh Bank. FIR was lodged on 25.09.2019 at 8.30pm. It was not mentioned in the FIR where the seized money was kept before lodging FIR. He did not find ID card or document to the fact that the accused Abul Kalam Azad was servant of accused Enamul Haque. This witness further stated that they did not go to Wanderers Club on the day of occurrence but he went there before that. They did not search themselves by witness before they entered into house No. 83/1, Lalmohon Street. Around 20/50 persons gathered at the place of occurrence. They did not call the owners of the adjacent house. They searched the 2nd floor fully. The seized money was not produced today. In the FIR only two accused was mentioned. This witness finally denied the couple of suggestions put by the accused side.</i></p> <p><i>PW-2, Mr. Md. Aktaruzzaman, is the learned Executive Magistrate. According to him on 24.09.2019 he worked in the RAB-3, Moghbazar Camp as Executive Magistrate. On that day at 14.30 the Commanding Officer informed him that a huge amount of illegal money earned from Casino (one kind of gamble) in Motijheel Wanderers Club were kept at the house (House No. 83/1, Lalmohon Street) of accused Abul Kalam Azad, a trusted servant of</i></p>

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		<p><i>accused Enamul Haque Enu. Then he went to Jatrabari where he met with Patrol team. He rushed to the place of occurrence and surrounded the aforesaid four storied house. After cordoning the house he came to know that the owner of the house was Abul Kalam Azad. Then they entered into the 2nd floor of the said Abul Kalam Azad's 4 storied building in the presence of tenants of the house and local witnesses while the accused Abul Kalam Azad managed to flee away from the place of occurrence. His wife and daughter showed them an iron made locked Sinduk (সিন্দুক) which was kept open in his presence and they recovered an amount of Tk. 2,00,00,000/- from Sinduk (সিন্দুক). Then with his direction SI Shymol Chandra Bormon seized the money by a seizure list (Exbt-2) at 18.40pm, took signatures of the witnesses and he himself put signature (Exbt-2/1). He also deposed that on interrogation, Shila Rahman, the wife of Abul Kalam Azad disclosed that her husband Abul Kalam Azad is the close associate of Enamul Haque Enu, an active member of Casino Management Team of Motijheel Wanderers Club. This Enamul Haque Enu kept the said money with Sinduk in her house on 19.09.2019. Thereafter they came back to Camp with the seized money and Police Inspector Md. Ziaul Hasan under his direction lodged the F.I.R with Wari Police Station under section 4(2) of the Money Laundering Prevention Act 2012 against the accused Abul Kalam Azad, Enamul Haque and 5/6 others.</i></p> <p><i>During cross-examination this witness stated that he conducted the search as Executive Magistrate. He did not recollect how many units there were at each floor of the house. It was not mentioned in the seizure list that the money was recovered by show of</i></p>

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		<p><i>accused Abul Kalam's wife and daughter. The Sinduk was lock and key system which was not narrated in the seizure list. The broken part of the Sinduk was seized as alamat. He did not recollect who unlocked the Sinduk. The seized money was calculated by machine taken from nearest bank and it took about one hour to calculate. It is true that it was not mentioned in the statement before investigating officer to the fact that Abul Kalam Azad's wife told that Enamul Haque Enu kept the money with Sinduk in the house of accused Abul Kalam Azad. But he said it to IO. The investigating officer after recording read over to him the statement. It is true that each note was not marked with identification but was sealed. On the day of occurrence his activities were not part of investigation but it was part of search. He did not record the statement of wife and daughter of Abul Kalam Azad. The seized money was not produced today. He further told that five persons entered into house at Lalmohon Street where there was one main gate. He called upon the owners of adjacent houses but did not get response. He himself did not calculate the money but was calculated in his presence. This witness finally denied the couple of suggestions advanced by the accused side.</i></p> <p><i>PW-3 Shamim Ahmed is the Corporal, RAB -3 Tikatuli Camp Dhaka and according to him on 24.09.2019 he worked at RAB -3, Moghbazar Camp. On that day at 2.30pm he under the command of DAD Ziaul Hasan in the presence of Mr. Md. Akhtaruzzaman, Nirbahi Magistrate went to House No. 83/1, Lalmohon Street and surrounded the aforesaid four storied house. They entered the 2nd floor of the said 4 storied building in the presence of</i></p>

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		<p><i>three witnesses and found an iron made Sinduk (ঢ়প³⁄₄c□L) at south wall which was kept open and they recovered an amount of Tk. 2,00,00,000/- from Sinduk (সিন্দুক). Then SI Shymol Chandra Bormon seized the money by a seizure list at 18.40pm, took signatures of the witnesses and Nirbahi Magistrate Mr. Md. Akhtaruzzaman. On interrogation, Shila Rahman, the wife of Abul Kalam Azad disclosed that her husband Abul Kalam Azad is the close aide of Enamul Haque Enu who kept the said money with Sinduk in their house. Thereafter DAD Md. Ziaul Hasan lodged the F.I.R with Wari Police Station.</i></p> <p><i>At his cross-examination he stated that they surrounded the House no. 83/1. He did not enter the fourth floor of the house. They were searched by the independent witnesses. He did not call the adjacent house owners, but senior officers called them. The Sinduk were broken after 40 minutes of entering the house. He did not himself count the money. This witness further told that he could not say how much time took to count the money. It is true that he did not mention in the statement before investigating officer in details as he told before the court with reference to Abul Kalam Azad's wife about the accused Enamul Haque Enu. He did not say before investigation officer that the Sinduk was broken in the presence of witnesses. The Sinduk was broken with the hammer taken from outside rickshaw puller. This witness finally denied the couple of suggestions put by the accused side.</i></p> <p><i>PW-4 Md. Mukul Miah is the ASI, RAB -3 Moghbazar Camp Dhaka and he narrated that on 24.09.2019 he worked at RAB -3, Moghbazar Camp. On that day at 2.30pm he under the command of DAD</i></p>

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		<p><i>Ziaul Hasan in the presence of learned Nirbahi Magistrate Mr. Md. Akhtaruzzaman, went to House No. 83/1, Lalmohon Street and surrounded the aforesaid four storied house. They entered the 2nd floor of the said 4 storied building in the presence of three witnesses and found an iron made Sinduk (সিন্দুক) at south wall. With the direction of senior officer they called upon maker (technician) who broke the Sinduk in the presence of witnesses and they recovered an amount of Tk. 2,00,00,000/- from Sinduk (সিন্দুক), while the owner of the house Abul Kalam Azad managed to flee. Then SI Shymol Chandra Bormon seized the money by a seizure list at 18.40pm where he put signature (Exbt-2/2). The money was calculated by machine taken from the nearest bank. On interrogation, Shila Rahman, the wife of Abul Kalam Azad disclosed that her husband Abul Kalam Azad is the servant of Enamul Haque Enu who kept the said money with Sinduk in their house. Thereafter DAD Md. Ziaul Hasan lodged the F.I.R with Wari Police Station.</i></p> <p><i>During cross-examination this witness told that they surrounded the House No. 83/1. He did not enter the fourth floor of the house. They were searched by the independent witnesses. He did not call the adjacent house owners, but senior officers called them. The Sinduk were broken after 40 minutes of entering the house. He did not himself count the money. This witness further told that they surrounded the house first and then 5 persons entered the house. He said to the investigating officer that beside money one cartuz was recovered from the house. The recovery of arms and cartuz was not mentioned in the seizure list. He said to the investigating officer that the</i></p>

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		<p><i>counting machine was brought from the bank. He could not say the name of the bank. They stayed at the place of occurrence about 3/4 hours. He did not see anyone fleeing before them. It was not mentioned in the seizure list the brand or color of the Sinduk. This witness finally denied the couple of suggestions put by the accused side.</i></p> <p><i>PW-5 Shila Rahman is the wife of accused Abul Kalam Azad, who is the owner of the House No. 83/1, Lalmohon Street and she narrated that the date of occurrence was 24.09.2009 at 12.00/12.30. Her husband went out for business purposes. Her daughter also went out to school. She then suddenly heard hue and cry and went to 3rd floor of the house. She saw there police. They lived in the 2nd floor. She also saw police in 2nd floor. She feared at seeing the police. She could not remember anything. At this stage the prosecution declared this witness hostile. Upon cross examination by the prosecution this witness then stated that the investigating officer Md. Sadek Ali interrogated her. She said to the investigating officer the occurrence in details. This witness kept silence to the question that on 24.09.2009 at 2.30 pm she was in her house. She also kept silence to the question that the police recovered Tk. 2,00,00,000/- (200 bundles with each bundle containing 100 note of Tk. 1,000/-) from the Sinduk. She further replied that she could not know whether SI Shaymol Chandra Barmon prepared the seizure list at 18.40 in the presence of witnesses. And the demonour of this witness was also marked. At her cross examination by the accused Abul Kalam Azad she told that on the day of occurrence 20/25 police came. She did not see police entering her house. She did not see the recovery of money from</i></p>

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		<p><i>Sinduk in her house. The police did not call neighbours in her house. On the day of occurrence the TV and photo journalists were present. She was detained in another room. This witness further stated that no other day except on the day of occurrence the police or RAB officials asked her. There was no Sinduk in her house. No money was recovered. No magistrate was present on the day of occurrence. Other accused declined to cross-examine.</i></p> <p><i>PW-6 Md. Habibur Rahman is the tenant to the House No. 83/1, Lalmohon Street. According to him the date of occurrence was 24.09.2019 at 1.00/1.30pm (noon). He lived in the ground floor of the house. His shop is in the ground floor. He was in his shop. Then he saw RAB and police present there. He was taken in the (2nd) floor. He saw there 20/25 RAB-Police. There were many public also. He saw there one Sinduk. Some money was recovered from Sinduk and his signature was taken in the white paper. He identified his signature in the seizure list marked as Exbt-2/3. During his cross examination he told that he saw 25/30 people in the 2 ^ (nd) floor. The Sinduk is not produced today. The paper in which he put signature was not written. He could not say how much money was recovered from the Sinduk. He further stated that after occurrence CID police asked him. He did not see the entering of RAB-Police in the 2 ^ (nd) floor of the house. He could not say from where Sinduk came in the house. He could not see minutely whether the Sinduk was iron made or wooden made.</i></p> <p><i>PW-7 Mr. Mohammad Jashim is the Metropolitan Magistrate and according to him on 16.01.2020 he worked as Metropolitan Magistrate at Dhaka. On that day the investigating officer produced</i></p>

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		<p><i>the accused Abul Kalam Azad @ Kalam before him for recording confessional statement under section 164 Code of Criminal Procedure. He then gave the accused 3 hours time for refreshing memory with clear understanding the rules of giving confessional statement and thereafter he recorded the confessional statement (Exbt-3) where he put his signatures marked as (Exbt-3/1 to 3/11) and the accused Abul Kalam Azad also put his signature. According to him the confessional statement of the accused is true and voluntary. At his cross examination this witness stated that the investigating officer sent the accused with a forwarding for recording the confessional statement. It is not a fact that the accused Abul Kalam Azad in his statement did not say that Enu and Rupon were not known to him from childhood. It is not a fact that the accused Abul Kalam Azad in his statement did not say that Pavel, manager of Enu and Rupon through labour kept the Sinduk with Tk. 2,00,00,000/- in his house. He recorded accordingly what the accused Abul Kalam Azad stated. This witness finally told that the accused was arrested on 09.01.2020 at 2.00pm and the accused was produced before him after 2 days remand as per version of the accused. It was not mentioned when the recording of statement was started and ended up. He finally denied the couple of suggestions put by the accused side.</i></p> <p><i>PW-9 Hafez Md. Zahid Hasan is also the tenant to the House No. 83/1, Lalmohon Street. According to him the date of occurrence was 24.09.2019 from noon to evening. He lived in the 3rd floor of the house as sub-tenant. The occurrence took place at 2nd floor where the accused Abul Kalam lived. When he came to house he saw members of law enforcing agency, RAB</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>and journalists. Adjacent people were also present. He saw some 1,000/- taka notes and probably some 500/- taka notes also. His signature was taken in the white paper. He identified his signature in the seizure list marked as Exbt-2/4. During his cross examination he told that on the day of 24 he came out from the house at about 10.00AM and he came back at 3.00 or 4.00PM. When he came out in the morning he did not see law enforcing agencies. He saw law enforcing agencies after coming back to home. He could not say how many bundles of 500/- taka notes were there. It is not a fact that nothing was recovered in his presence. He also stated that the seizure list was not written in his presence. No other persons put signature in his presence. He could not recollect the name who asked him to put signature on the seizure list.</i></p> <p><i>PW-10 Md. Sanowar Hossain is also the adjacent neighbor to the House No. 83/1, Lalmohon Street. According to him the date of occurrence was 24.09.2019 from 1.30 to 2.00PM. He saw huge number of law enforcing agencies, journalists and adjacent people. He was then crossing the place when the law enforcing agencies took him at 2 ^ (nd) floor of the house. He saw huge money on the table of the house. RAB asked him and took his signature on a written paper. Thereafter he left the place. He identified his signature in the seizure list marked as Exbt-2/5. During his cross examination he mentioned that he could not recollect whether the occurrence was in 2 ^ (nd) floor or 3 ^ (rd) floor of the house. He could not recollect whether there were 500/- taka notes, but there were 1,000/- taka notes. The money was not counted in his presence. He put his signature on the seizure list after writing had completed. He put</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>his signature on the seizure at about 2/2.30PM.</i></p> <p><i>P.W-8 Md. Sadek Ali is the investigation officer of the case. He narrated that on the basis of Memo No. অর্গানাইজড ক্রাইম/স্বঃউঃ/১৫০-২০১৯/৭৩৪, dated 26.09.2019 he was appointed the investigation officer of this case and taking responsibility of investigation he visited the place of occurrence, asked the witnesses and recorded the statements of the witnesses under section 161 of Code of Criminal Procedure; prepared the sketch map (Ext.5) and the index (Ext.6). He identified his signatures marked as Ext.5/1 and Ext.6/1, collected the CID forensic report on seized alamat. He also arrested the FIR named accused Abul Kalam Azad, and suspected accused Tuhin Munshi, Saiful Islam, Nobir Hossain. He then brought the accused Abul Kalam Azad before learned Metropolitan Magistrate for recording his confessional statement. According to him on perusal of records, statements of witnesses and the accused he found that accused Enamul Haque Enu, Rupon Bhuiyan, along with their brothers namely accused, Merajul Haque Bhuiyan @ Shiplu, Rashidul Haque Bhuyan, Shahidul Haque Bhuiyan and accused Abul Kalam Azad, Pavel Rahman, Tuhin Munshi, Nobir Hossain, Saiful Islam and Joy Gopal Sarker, using the experience of Nepali citizen Harry involved in the organized crime of money laundering through Casinos. The accused Enamul Haque Enu, Rupon Bhuiyan, Merajul Haque Bhuiyan @ Shiplu, Rashidul Haque Bhuyan, Shahidul Haque Bhuiyan with the assistance of accused Pavel Rahman kept their illegally earned money from Casino in the house of the accused Abul Kalam Azad to hide the source, nature and thereby laundered the money. He further found that the accused Joy Gopal Sarker is the Secretary of</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>the Wanderers Club, who rented the Club premises for illegal Casino game for which he used to receive money per day. He also found that the acquired income of the accused Enamul Haque Enu and Rupon Bhuiyan was unusual and they did not show any lawful source against the seized huge money. The accused persons are found actively involved in the organized crime of Casino operations and they earned huge money for which separate money laundering cases have been filed. He further stated that being satisfied with his investigation he filed charge sheet No. 108 dated 21.07.2020 against the accused 1. Enamul Haque Enu, 2. Abul Kalam Azad 3. Rupon Bhuiyan, 4. Merajul Haque Bhuiyan @ Shiplu, 5. Rashidul Haque Bhuiyan, 6. Shahidul Haque Bhuiyan, 7. Pavel Rahman, 8. Tuhin Munshi, 9. Nobir Hossain Shikdar, 10. Saiful Islam, and 11. Joy Gopal Sarker under section 4(2) of the Money laundering Prevention Act. He identified the accused present in the dock.</i></p> <p><i>During his cross-examination on behave of the accused Abul Kalam Azad he told that he took the responsibility on 26.09.2019 and he started investigation on that day at 11.35. He did not visit the place of occurrence before. The place of occurrence was 4 storied house. He could not say how many flats were there in the house. In the 2nd and 3rd floor of the house the accused's relatives and tenants live. He did not make them witnesses. The main gate of the house is south fronted. For entry and exit there is only one gate. He did not record the statement of the informant under section 161 of the Criminal Procedure Code. He got one seizure list in this case. The word 'Casino' was not written in the seizure list. He interrogated</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>Shila Rahman on 26.09.2019, but no date was mentioned in her statement. It is not true that Shila Rahman did not say that she sometimes met with Pavel, Enu and Rupom. He did not make witnesses of adjacent house owners as they did not show willingness to be witness. He further stated that he visited Wanderers Club during investigation. The Club's office is in the 1st floor. The office of President and Secretary of the Club is in the 2nd floor. He did not ask the President and Secretary of the Club. He did not seize anything from the Club. The accused Abul Kalam Azad was shown arrested on 07.01.2020 and he took him on remand on 15.01.2020. Nothing was recovered from him during remand. He finally denied few suggestions put by the accused side.</i></p> <p><i>On cross examination by the accused Joy Gopal Sarkar this witness stated that he examined the Ejahar lodged by Police Inspector Ziaul Hasan. Nothing mentioned in the Ejahar about the involvement of the accused Joy Gopal Sarkar in the alleged office. He recorded the statement of 11 (Eleven) witnesses during investigation. It is true that none of them did say anything implicating the accused Joy Gopal Sarkar. It is also true that the accused Abul Kalam Azad in his confessional statement did not say anything implicating the accused Joy Gopal Sarkar. It is also true that no part of seized alamat was recovered from accused Joy Gopal Sarkar. He is also the investigating officer of Sutrapur P.S. Case No. 31(9)2019. The accused Saiful Islam did not make confessional statement in this case. The witness Khalek Mahmud Bhuiyan in his statement under section 161 corroborated the confessional statement of the accused Md. Saiful Islam. Khalek Mahmud</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>Bhuiyan in his statement did not say anything implicating the accused Joy Gopal Sarkar. He kept the confessional statement of the accused Saiful Islam in Sutrapur P.S. Case No. 29(9)2019 with the present case file. He did not mention in his charge-sheet the date when the accused Saiful Islam made his confessional statement. He further denied couple of suggestions advanced by the accused side.</i></p> <p><i>On cross examination by the accused Nobir Hossain, Tuhin Munshi and Saiful Islam this witness stated that in the Ejahar the name of accused Nobir Hossain, Tuhin Munshi and Saiful Islam was not mentioned. He recorded the statement of accused Nobir Hossain, Tuhin Munshi and Saiful Islam under section 161 of the Code of Civil Procedure, but he did not take their signatures. In this case the accused Nobir Hossain, Tuhin Munshi and Saiful Islam did not make confessional statement under section 164 of the Criminal Procedure Code. It is a fact that these accused persons are employees to the Wanderers Club. They worked as tea boy in the Club. No money or Casino instrument was recovered from these accused persons. He further denied couple of suggestions advanced by the accused side.</i></p> <p><i>On cross examination by the accused Enamul Haque Enu and Rupon Bhuiyan he further told that he could not recover the full name, address, passport of Nepali citizen Harry. He did not prepare sketch map with index of the Club. He did not take the name of Board of Directors of the Club. He did not seize any contract or document showing the accused are connected with the Wanderers Club. He did not collect the CC TV footage of the Club. He visited the house of accused Abdul Kalam Azad once. He recorded the</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>statement of Shila Rahman, wife of accused Abul Kalam Azad. No witness said that the accused Enamul Haque Enu and Rupon Bhuiyan brought the seized money in the house, the place of occurrence. He did not visit the business centers owned by accused Enamul Haque Enu and Rupon Bhuiyan. The witness Sanowar and Habibur Rahman in their statements under section 161 of the Criminal Procedure Code said that technician broke the Sinduk; but he did not collect the name and address of the said technician. The witness Habildar Md. Abu Ishaq in his statement under section 161 of the Criminal Procedure Code also said that one van driver broke the Sinduk with hammer; but he did not collect the name and address of the said van driver. The seized money was calculated with machine. He did not investigate from which bank the said machine was brought. He further denied couple of suggestions advanced by the accused side.</i></p> <p><i>The Special Public Prosecutor appearing on behalf of State submits that all the accused persons in collaboration with each other conducted the casino game in an organized way in Motijheel Wanderers Club and mutually benefited each other. He further submits that the accused Joy Gopal Sarkar is the Secretary of the Wanderers Club, who rented the Club premises for illegal casino game for which he used to receive Tk. 50,000/- per day. He also submits that the co-accused Enamul Haque Enu and Rupon Bhuiyan who are active members of Casino Management Team along with their three brothers were got involved with the casino game in the Motijheel Wanderers Club with the help of the accused Joy Gopal Sarker who actively participated in creating favourable atmosphere for</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>playing Casino in the Wanderers Club for earning huge money illegally and by transacting the said ill-got money, the accused persons committed the offence of money laundering under section 4(2) of the Money Laundering Protirodh Ain, 2012.</i></p> <p><i>He further contends that the confessional statements of co-accused Abul Kalam Azad, Saiful Islam and Nobir Hossain Shikdar given under section 164 of the Code of Criminal Procedure are very much inculpatory in nature and in their confession the role of other accused persons is very much clear. Besides this, the confessional statements of the confessing accused are quite lawful and there exist sufficient corroborative evidence of the confessional statements against non- confessing accused persons of this case. The learned P.P. also submits that the confession of the confessing accused Abul Kalam Azad, Saiful Islam and Nobir Hossain Shikdar was true and voluntary and the minor irregularity which is noticed in recording the confessional statement of accused Abul Kalam Azad, Saiful Islam and Nobir Hossain even non-compliance of the procedure under section 164 and 364 of the Code of Criminal Procedure, cannot be treated such illegality to error in law, rather; it is apparent from the face of the record that nothing of this proceeding has prejudiced the confessing accused and other non-confessing accused persons. The evidences adduced from the side of the prosecution have proved the prosecution case into to beyond all reasonable doubt.</i></p> <p><i>He candidly submits that the Article 18(2) of the Constitution of the People's Republic of Bangladesh clearly provides that 'the State shall adopt effective measures to prevent prostitution and gambling' and</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>therefore it is, though not judicially enforceable, an obligation of the State to take effective measures to prevent all kinds of gambling including casino. He categorically submits that all kinds of gambling including casino games are punishable offences under section 3 of the Public Gambling Act of 1867 as well as section 92 of the Dhaka Metropolitan Police Ordinance, 1976, which is supported by a case of Jafar Ullah (Md) vs Secretary, Ministry of Home affairs and others, reported in 66 DLR (HC)(2014)380. In this case, it was held the "Owning, keeping or having charge of common gaming-house as contemplated under section 3 of the Act, is an offence and punishable under the law." And hence, by involving in the illegal gambling such as casino in Wanderers Club the accused persons have committed an organized crime which comes within the purview of 'predicate offence' under section 2 (sha)(26) of the Money Laundering Prevention Act, 2012.</i></p> <p><i>He emphatically submits that it has been held by the Hon'ble High Court Division in a case reported in 24 BLC (2019) 48 that 'the offences of money laundering perpetrated through corruption and bribery are all the scheduled offences of the Anti-corruption Act. The meaning of the word "corruption" is very wide and it has far reaching effect. The money laundering has been defined and described as predicate offence which is committed resorting to corruption and bribery. The money laundering offence is also termed as white collar crimes'.</i></p> <p><i>He next submits that the accused persons are involved in connection with "one-ten" and "casino" businesses and games and thereby laundered money worth Tk.6,08,25,800/- which come within the purview</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>of offence under section 4(2) of the Money Laundering Protirodh Ain, 2012 as a result of which five cases including the instant case were filed in different police stations and to that effect, charge-sheets were also submitted against the accused persons.</i></p> <p><i>The learned Public Prosecutor in his concluding submission after referring series of decisions of apex Court reported in 68 DLR (AD) 392, 56 DLR 185 (Para 27), 10 BLC 133 (Para 35), 6 BLD (AD) 79, 19 BLC (AD) 8 (Para 103, 224, 225, 227); 56 DLR (AD) 26, 9 BLC 529 (Para 35-40) and 11 BLD (AD) 2 (Para 43) submits that among the accused persons excepting the accused persons Enamul Haque Enu, Abul Kalam Azad, Rupon Bhuiyan, Tuhin Munsu, Nobir Hossain, Md. Saiful Islam and Joy Gopal Sarker the other four accused persons with a guilty mind remain absconded and thus the conduct of the co-accused has played an important role to believe that they are real culprits, as such he wants high punishment against the accused persons.</i></p> <p><i>Against the aforesaid submission of learned Public Prosecutor, the learned Advocate appearing for the accused Joy Gopal Sarker submits that the accused is not an FIR named accused and nothing was recovered from the exclusive control and possession of the accused; moreover the accused Abul Kalam Azad in his confessional statement did not mention the name of this accused.</i></p> <p><i>He then points out that it is alleged by the prosecution that the accused rented the club premises to the casino players for arranging casino games but neither the deed of agreement nor the tools of playing casino games were recovered either from the possession of the accused or from the premises of the</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>Club and the investigating officer sent up this accused in this case as he is the Secretary of the Wanderers Club.</i></p> <p><i>He candidly submits that as per settled principle of law, the confessional statement recorded under section 164 of the Code of Criminal Procedure can be used against its maker if it is found to be true, voluntary and inculpatory in nature but the confessional statement recorded under section 164 of the Code of Criminal Procedure cannot be used against the co-accused without any corroborative evidence and circumstances (Zakir Hossain and another Vs. State 55 DLR, page 137) and for argument sake if we concede that the confessional statement is true and voluntary, nevertheless; there is no such substantive corroborative evidence from the side of the prosecution by which the other accused persons can be held guilty of the charge brought against them.</i></p> <p><i>The learned advocate appearing on behalf of the accused persons namely Abul Kalam Azad, Tuhin Munshi, Nobir Hossain, Saiful Islam submits there is no specific allegation in the FIR against the accused Abul Kalam Azad, Tuhin Munshi, Nobir Hossain, Md. Saiful Islam. The learned Counsel further submits that the accused Abul Kalam Azad, Md. Saiful Islam and Nobir Hossain were arrested on 09.01.2020 and 12.01.2010 respectively and after police remand the confessional statement was taken, which is the product of torture, threat and undue influence. The learned Advocate further submits the confessional statement cannot be treated as inculpatory, rather; it is an exculpatory statement by which the accused Abul Kalam Azad, Saiful Islam and Nobir Hossain did not</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>implicate themselves in the casino operations and on the basis of such exculpatory confessional statement neither the accused persons nor any of the co-accused can be held guilty of the charge brought against them.</i></p> <p><i>The learned Advocate appearing on behalf of the accused persons namely Enamul Haque Enu and Rupon Bhuiyan, accepting the submission advanced from the side of the learned counsel for the accused persons, argued that the prosecution of this case during trial have failed to adduce any such tangible evidence which can be treated trustworthy or unimpeachable to connect this accused persons of this case to the Casino operations. Within the contents of the FIR there is no mention about the accused Rupon Bhuiyan of this case in the accused column.</i></p> <p><i>The learned Advocate further submits that the statement under section 164 of the Code of Criminal Procedure is lack of any corroborative substantive evidence. Apart from this, this confessional statement was not recorded in accordance to the provisions laid down in section 164 and 364 of the Code of Criminal Procedure.</i></p> <p><i>In order to appreciate the submission advanced from the sides of the learned counsels for the parties, I have perused the First Information Report, the Charge Sheet submitted by the investigating officer, the confessional statement of the accused Abul Kalam Azad, Md. Saiful Islam and Nobir Hossain Shikdar, especially the evidences adduced from the side of the prosecution to prove their case along with the relevant papers.</i></p> <p><i>It appears from the records that the most vital evidence which has come out from the mouth the accused Abul Kalam Azad is the confessional</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>statement marked as Exbt-3 and also is the confessional statement of the accused Md. Saiful Islam and Nobir Hossain Shikdar. By the confessional statement the confessing accused persons have mentioned the names of the co-accused, their role in organizing and conducting the Casino games and business in Motijheel Wanderers Club namely Enamul, Rupon, Shahidul, Shiplu, Rashidul, Pavel, Tuhin and Joy Gopal.</i></p> <p><i>On meticulous consideration of this confessional statement of the accused Abul Kalam Azad, Md. Saiful Islam and Nobir Hossain Shikdar recorded under section 164 of the Code of Criminal Procedure, it is found that the accused Abul Kalm Azad was arrested on 09.01.2020 and on the same day he was produced before the learned Metropolitan Magistrate and subsequently after two days remand he made his confessional statement on 16.01.2020. The accused Saiful Islam was arrested on 12.01.2020 and after one day remand he was produced before the learned Metropolitan Magistrate and he made his confessional statement on 13.01.2020. Similarly, the accused Nobir Hosain Shikdar was arrested on 12.01.2020 and after one day remand he was produced before the learned Metropolitan Magistrate and he made his confessional statement on 13.01.2020. In his confessional statement the accused Abul Kalam Azad stated in following way:</i></p> <p><i>"আমি বানিয়ানগর এলাকায় একটা প্রেসে ৮ বছর যাবত কাজ করছি। এম.এন. ইঞ্জিনিয়ার্স ওয়ার্কসপ লাইনে কাজ করেছি ৪ বছর। আমি ভাঙ্গুরী ব্যবসাও করতাম। আমার এলাকার এনামুল হক এনুকে আমি ছোট বেলা থাইকা চিনি। ওরা অনেক টাকার মালিক। মহল- ১র অনেক লোকজনকে ওরা চাকুরী দিয়াছে। এনুর কাছে আমি চাকুরী চাইলে এনু প্রথমে আমারে ক্যাসিনো ওয়াডার্স ক্লাবে চাকুরী দেয়। ঐখানে এনু ও রূপনের ওয়ান-টেন এবং ক্যাসিনো ব্যবসা ছিল। ওয়াডার্সে এনু ও</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p>রুপনের ভাই শহিদুল, করিম, বুলু, মোবারক কাজ করত। আমি এক-দেড় মাস কাজ করার পর এনু আমাকে কয়, "তুই এখান থেকে জাগা, তুই সাইটে কাজ কর।" তারপর থেকে গত ১ বছর যাবত আমি নারিন্দা পুলিশ ফাঁড়ির কাছে হলুদ মসজিদ এর পাশে এনু-রুপনের দশ তলা নির্মাণাধীন বিল্ডিংয়ের কেয়ারটেকার হিসেবে কাজ করতেছিলাম। প্রতিদিন আমাকে ৮০০/- টাকা করে বেতন দিত। ১০দিন পর পর ওয়াডারার্স ক্লাবে গিয়া রুপনের কাছ থেকে বেতন নিয়া আসতাম। এই মামলার ২দিন আগে এনু ও রুপনের ম্যানেজার পাভেল আমার বাসায় টাকা রাইখা আসে। ঐদিন পাভেল ৪জন লেবারসহ লোহার সিন্দুক যাতে ২ কোটি টাকা রাখা ছিল আইনা আমাকে বলে মালিকে এগুলো আপনার বাসায় রাখতে বলছে। পাভেলের হাতে একটা ব্যাগ ছিল, যাতে পিস্তল ছিল, ব্যাগটি আমার আলমারীতে রাখতে বলে, তখন আমি চাবি দিয়া আলমারী খুলে দিলে পাভেল নিজ হাতে ব্যাগটি আমার আলমারীর ভিতরে রাখে। পরে আমি পাভেলকে জিজ্ঞাসা করি ব্যাগের ভিতরে এবং সিন্দুকের ভিতরে কি আছে? পাভেল আমাকে বলে এতো বেশী কথা বলার দরকার নাই। এগুলো টাকা মালিক কইছে রাখতে হইব। তখন আমি এগুলো আমার বাসায় রেখে দেই। কিন্তু সিন্দুকের ভিতর এত টাকা ছিল তা আমি কল্পনাও করি নাই। পরবর্তীতে র্যাব আমার বাসায় গিয়া অভিযান চালালে আমি পালাইয়া যাই।"</p> <p><i>In his confessional statement the accused Md. Saiful Islam stated in following way:</i></p> <p>"আমি সপ্তম শ্রেণি পর্যন্ত পড়াশুনা করেছি। আমি ওয়াডারার্স ক্লাবের বলবয় হিসাবে চাকুরী করতাম। আমি প্রায় ১৩/১৪ বছর যাবত এখানে কাজ করতাম। খেলোয়ারদের সাথে খেলার সরঞ্জাম নিয়ে মাঠে যেতাম। মাঠ থেকে এসে সন্ধ্যায় ওয়াডারার্স ক্লাবে এসে নাস্তা পানি দিতাম। বেতন ছিল আমার ১০,০০০/- টাকা। ক্লাবের দোতলায় খেলোয়ার ও স্টাফদের থাকার জায়গা। নিচতলায় ক্যাসিনো ছিল। এই ক্যাসিনো চালাতো ইনু ও রুপন। এদের সাথে যুক্ত ছিলো শহিদুল, রশিদুলসহ ৭/৮ জন। ক্যাসিনোর ক্যাশিয়ার ছিল আলী। মোবারক ছিল ক্যাসিনোর সেক্রেটারী। বুলু ক্যাসিনোর বোর্ড পরিচালনা করত। করিম ক্যাসিনোর সবার উপর নজর রাখত ও ক্যাসিনোর স্টাফদের বেতন দিত। ক্লাবের ভাড়া কামাল ও সেন্টু উঠাত। ২ জনের মধ্যে ঝামেলা হলে সেক্রেটারী আমাকে বললে আমি করিমকে ডেকে আনতাম। পরে সেক্রেটারির নির্দেশ মোতাবেক করিম আমাকে ভাড়া দিত। সেক্রেটারি বা কেরানির কাছে আমি ভাড়া দিতাম। উপরের ৪টি রুমে তাস খেলা হত। মালিক ছিল রহমান,</p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p>আমিনুল, নূর^স, মনি ও সানি। রোকনও ক্যাসিনো চালাতো। এই আমার জবানবন্দি।"</p> <p><i>In his confessional statement the accused Nobir Hossain Shikdar stated in following way:</i></p> <p>"আমি ওয়াডার্স ক্লাবের কেয়ার টেকার হিসাবে কাজ করতাম। ক্লাবের দুটি পাট ছিল। দোতলায় অফিসিলায় কর্মকাণ্ড হতো। নিজের তলা ভাড়া দেয়া ছিল। ভাড়া নিছিল রোকন, এনু, শহিদুল, রশিদুল ও শিপলু। তারা সবাই আপন ভাই। তারা ক্লাবের নিচ তলা ভাড়া নিয়া জুয়া চালাতো। জুয়ায় ওয়ান টেন ও ক্যাসিনো ছিলো। আমাকে কখনো কখনো সপ্তাহে ৫০০/- টাকা করে তাদের কর্মচারী করিম দিত। এই আমার জবানবন্দি।"</p> <p><i>Having gone through the confessional statement of the accused Abul Kalam Azad, Md. Saiful Islam and Nobir Hossain Shikdar, it is found that the learned Magistrate, who recorded the confessional statement of the accused persons, in the said confessional statement in column No.3 clearly mentioned that, while the confessing accused was produced before him, he kept the confessing accused in the custody of his peon and for reflection 03(three) hours time was given to the confessing accused before his statement. Besides, it is within the 'writings' of the learned Magistrate (PW-7) that at the time of confession, there was no police nearby of the recording. In column No.5, there is a declaration of the learned Magistrate that he told to the confessing accused that he is not a police officer, but a Magistrate and the accused is not bound to make any confession, and if he does make confession it may be used in evidence against him; and the accused should not say anything because others have told him to say it and he is at liberty to say anything whatever he really desires to say and lastly, the learned Magistrate explained to the confessing accused that he should not say anything which is untrue, and thereafter, explaining all the above</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>mentioned matter before the confessing accused the learned Magistrate put his signature marked as Exbt-3/1. In column No.8 of the confessional statement, it appears that the learned Magistrate repeatedly asked the accused that he was not bound to give confessional statement and if so given, it may be used against him. In column No. 9 of the confessional statement, it is found that the learned Magistrate took a note that the accused did not allege the ill-treatment and he made the statement voluntarily. In column 6 of the confessional statement, it is also found that the learned Magistrate made additional queries to him in Bengali to ascertain whether he was making the confession voluntarily without being compelled by torture or persuasion. In the last portion of the confessional statement there is also a declaration of the learned Magistrate that he is satisfied that the accused gave the statement voluntarily, accepting that true. Moreover, the accused persons did not say anything except some faint reply by the accused Abul Kalam Azad about the confessional statement in their examination under section 342 of the Code of Criminal Procedure though the same was brought to their notice. In the absence of any evidence of torture or persuasion, I am of the view that the confessional statements of the accused Abul Kalam Azad, Md. Saiful Islam and Nobir Hossain Shikdar are voluntary and true.</i></p> <p><i>The informant deposed as P.W-1 and in his deposition he narrated the ejahar mentioned story in details. I have perused the first information report (F.I.R) (Exbt-1). In this F.I.R the informant made it clear how and by adopting what procedure the accused Enamul Haque Enu, who is an active member</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>of Casino Management Team of Motijheel Wanderers Club with the help of accused Abul Kalam Azad and others laundered money worth Tk. 2,00,00,000/-. It is evident from the deposition of P.W-1 that the accused Enamul Haque Enu kept the said illegally earned money in the house of accused Abul Kalam Azad, a trusted servant of the accused Enamul Haque Enu. PW-2 is one of the vital witnesses of the case. Under the command of this witness, the operation following the secret information was conducted in the 2nd floor of the House No. 83/1, Lalmohon Street and recovered money worth Tk.2,00,00,000/- kept there in a Sinduk. PW-2 in his deposition corroborated the evidence of PW-1. PW-3 and PW-4 are the team members of anti-casino drive headed by PW-1 and these witnesses spoke in similar language with PW-1 and their deposition relates to conducting operation at the house of accused Abul Kalam Azad and recovery and seizure of laundered money worth Tk. 2,00,00,000/- in connection with this case. PW-6, PW-9 and PW-10 are witnesses to the seizure list. They in their examination in chief mentioned the date, time of occurrence and recovery of alleged money from the house of the accused Abul Kalam Azad where PW-6 and PW-9 were also the tenants. PW-5 is the wife of accused Abul Kalam Azad who is the owner of the House No. 83/1, Lalmohon Street. This witness in her examination in chief mentioned the date, time and occurrence happened in her house. But at the same time she tried to suppress the facts and on cross examination by the prosecution she deliberately kept silence to the questions put by the prosecution and her demonour was also identified. And this is very much inevitable to the fact that as wife of the accused Abul</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>Kalam Azad it is expected that she must not tell the truth. PW-8 is the investigation officer of the case and in his examination in chief he directly narrated that the accused Enamul Haque Enu, Rupon Bhuiyan, and their other brothers namely accused, Merajul Haque Bhuiyan @ Shiplu, Rashidul Haque Bhuiyan, Shahidul Haque Bhuiyan and accused Abul Kalam Azad, Pavel Rahman, Tuhin Munshi, Nobir Hossain, Saiful Islam and Joy Gopal Sarker, using the experience of Nepali citizen Harry involved in the organized crime of money laundering through Casinos. The accused Enamul Haque Enu, Rupon Bhuiyan, Merajul Haque Bhuiyan @ Shiplu, Rashidul Haque Bhuiyan, Shahidul Haque Bhuiyan with the assistance of accused Pavel Rahman kept their illegally earned money from Casino in the house of the accused Abul Kalam Azad to hide the source, nature and thereby laundered the money. He further found that the accused Joy Gopal Sarker is the Secretary of Motijheel Wanderers Club, who rented the Club premises for illegal Casino game for which he used to receive money per day. He also told that the acquired income of the accused Enamul Haque Enu and Rupon Bhuiyan was unusual and they did not show any lawful source against this seized huge money. The accused persons are found actively involved in the organized crime of Casino operations and they earned huge money for which separate money laundering cases have been filed. He further stated that being satisfied with his investigation he filed charge sheet No. 108 dated 21.07.2020 against the accused 1. Enamul Haque Enu, 2. Abul Kalam Azad 3. Rupon Bhuiyan, 4. Merajul Haque Bhuiyan @ Shiplu, 5. Rashidul Haque Bhuiyan, 6. Shahidul Haque Bhuiyan, 7. Pavel Rahman, 8. Tuhin Munshi, 9.</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>Nobir Hossain, 10. Saiful Islam, and 11. Joy Gopal Sarker under section 4(2) of the Money laundering Prevention Act.</i></p> <p><i>From the above discussion it appears that the accused Enamul Haque Enu and Rupon Bhuiyan are the active members of the Casino Management Team of Motijheel Wanderers Club. They along with their three brothers namely accused Merajul Haque Bhuiyan @ Shiplu, Rashidul Haque Bhuiyan, and Shahidul Haque Bhuiyan conducted "One-Ten" and "Casino" gambling inside Motijheel Wanderers Club in an organized way with the help of accused Joy Gopal Sarker, Abul Kalam Azad, Md. Pavel Rahman, Md. Tuhin Munshi, Nobir Hossain Shikdar and Md. Saiful Islam and earned huge money worth Tk. 2,00,00,000/- from such illegal Casino business and it was admittedly recovered from the house of the accused Abul Kalam Azad with a Sinduk (সিন্দুক). It is also found that the accused Joy Gopal Sarker who is the Secretary of Motijheel Wanderers Club rented the Club premises for operating illegal Casino games and business for which he received Tk. 50,000/- per day and in this way this accused actively participated in creating favourable atmosphere for playing illegal Casino game in the Club for earning money illegally. Admittedly all the accused persons are closely known to each other. They are the one band belonging to Wanderers Club, where the Casino game was being run. It further appears that the accused Enamul Haque, Rupon Bhuiyan, Merajul Haque Bhuiyan, Rashidul Haque Bhuiyan and Shahidul Haque Bhuiyan with the assistance of their manager accused Pavel Rahman, kept their illegally earned money worth Tk. 2,00,00,000/- in the house of accused Abul</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>Kalam Azad, a trusted servant of accused Enamul Haque Enu, to hide the source and shift elsewhere. And by transacting the said ill-got money, the accused persons have committed the offence of money laundering under Section 4(2) of the Money Laundering Prevention Act.</i></p> <p><i>Now the question arose whether the conducting of "Casino gambling" which is presently much talked-about issue, would come within the purview of 'predicate offence' under the Money Laundering Prevention Act, 2012? Or the money earned from illegal gambling can be termed as money laundering?</i></p> <p><i>At the very outset it may be mentioned that the present case brought against the accused persons relates to offence of money laundering which has been described in the Money Laundering Prevention Act, 2012 as predicate offences.</i></p> <p><i>The term "Casino" or "Casino games" or "gambling" does not appear in the definition of "predicate offence" under the Money Laundering Prevention Act, 2012. Nevertheless, all kinds of gambling including Casino games are punishable offences under section 3 of the Public Gambling Act of 1867 as amended upto, 2007 as well as section 92 of the Dhaka Metropolitan Police Ordinance, 1976, in that those games are commonly known as games played risking money with intention to win more money. Casino including One-Ten is varied forms of gambling. And this is supported by a case of Jafar Ullah (Md) vs Secretary, Ministry of Home affairs and others, reported in 66 DLR (HC)(2014)380. In this case, it was held the "Owning, keeping or having charge of common gaming- house as contemplated under section 3 of the Act, is an offence and</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>punishable under the law."</i></p> <p><i>Illegal gambling often intersects with organized crime through business-like manner where the organizer runs the illegal gambling to a large profit as it is found evident in the instant case. The accused persons in collaboration with each other were actively involved in illegal gambling in the form of "One-Ten" and "Casino" games inside Motijheel Wanderers Club and laundered huge money worth Tk.2,00,000,00/- and thereby have committed an organized crime which comes within the purview of 'predicate offence' under section 2 (Sha)(26) of the Money Laundering Prevention Act, 2012.</i></p> <p><i>On the other hand, money laundering perpetrated through corruption and bribery is 'predicate offence' under section 2(Sha)(1) of the Money Laundering Prevention Act, 2012. The meaning of the word "corruption" is very wide and it has far reaching effect. According to WHARTON'S LAW LEXICO, the word corrupt does not necessarily include an element of bribe taking only, it is also used in a much larger sense denoting conduct which is morally unsound or debased which was decided in the case reported in AIR 1966 SC 523 as quoted in the case reported in 70 DLR (2018) 822. The word corruption has a wide connotation and embraces all the spheres of our day-to-day life. In narrower sense, it connotes to decisions and actions of a person to be influenced not by rights or wrongs of cause, but by the prospects of monetary gains or other selfish considerations which were laid down in the case reported in AIR 2004 SC 960 as quoted in the case reported in 70 DLR (2018) 822. In the instant case, the money gained from casino gambling and</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>businesses which are prohibited by law comes within the broad meaning of "corruption".</i></p> <p><i>The money laundering offence is also termed as 'white collar crimes'. The generic term "white collar crime" was invented by American Sociologist Edwin Sutherland in 1939. He referred to crimes by persons of high social status that are committed in the course of one's occupation as white collar crimes. Although there has been some debate as to what qualifies as a white-collar crime, the term today generally encompasses a variety of specific offences, like anti-trust violations, computer and internet fraud, credit card fraud, environment pollution, tax evasion, financial fraud, securities fraud, insider trading, bribery, counterfeiting, public corruption, money laundering, embezzlement, economic espionage, some of which may also be committed by persons of low social status as well. White collar crime can also describe a wide variety of crimes, but they all typically involve in crime committed through deceit and motivated by financial gain. Many white collar crimes are especially difficult to prosecute because perpetrators use sophisticated means to conceal their activities through a series of complex transactions. The most white collar crimes are various types of fraud, embezzlement, tax evasion and money laundering. Many types of scams and frauds fall into the bucket of white collar crimes, including Ponzi schemes and securities fraud, Casino gaming and businesses etc. The money laundering are financial crimes which are committed and carried out by individuals, corporations or by organized crime groups for the purpose of generating huge profits. In order to give colour of legitimacy, these profits are</i></p>

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		<p><i>laundered by criminals [Ref. Mohua Ali vs State reported in 70 DLR (2018) 822].</i></p> <p><i>In the instant case the accused Enamul Haque Enu, Rupon Bhuiyan, Merajul Haque Bhuiyan @ Shiplu, Rashidul Haque Bhuiyan and Shahidul Haque Bhuiyan in the guise of casino gaming inside Motijheel Wanderers Club earned huge money and the same was kept in the house of the accused Abul Kalam Azad to evade the detection of their illegal source and to shift elsewhere. As such they have committed organized crime as predicate offence of money laundering under section 2(Sha) (26) of the Money Laundering Prevention Act, 2012.</i></p> <p><i>The offence of money laundering has been defined in section 2(Fa) of the Money Laundering Protirodh Ain, 2012, which states as follows:(ফ)</i></p> <p>"মানিলাভারিং" অর্থ-</p> <p>"(অ) নিবর্ণিত উদ্দেশ্যে অপরাধের সাথে সম্পৃক্ত সম্পত্তি জ্ঞাতসারে স্থানান্তর বা রূপান্তর বা হস্তান্তরঃ</p> <p>(১) অপরাধলব্ধ আয়ের অবৈধ প্রকৃতি, উৎস, অবস্থান, মালিকানা ও নিয়ন্ত্রণ গোপন বা ছদ্মাবৃত্ত করা; অথবা</p> <p>(২) সম্পৃক্ত অপরাধ সংগঠনে জড়িত কোন ব্যক্তিকে আইনগত ব্যবস্থা গ্রহণ হইতে রক্ষার উদ্দেশ্যে সহায়তা করা;</p> <p>(আ) বৈধ বা অবৈধ উপায়ে অর্জিত অর্থ বা সম্পত্তি নিয়ম বর্হিভূতভাবে বিদেশে পাচার করা;</p> <p>(ই) জ্ঞাতসারে অপরাধলব্ধ আয়ের অবৈধ উৎস গোপন বা আড়াল করিবার উদ্দেশ্যে উহার হস্তান্তর, বিদেশে প্রেরণ বা বিদেশ হইতে বাংলাদেশে প্রেরণ বা আনয়ন করা;</p> <p>(ঈ) কোন আর্থিক লেনদেন এইরূপভাবে সম্পন্ন করা বা সম্পন্ন করিবার চেষ্টা করা যাহাতে এই আইনের অধীন উহা রিপোর্ট করিবার প্রয়োজন হইবে না;</p> <p>(উ) সম্পৃক্ত অপরাধ সংঘটনে প্ররোচিত করা বা সহায়তা করিবার অভিপ্রায়ে কোন বৈধ বা অবৈধ সম্পত্তির রূপান্তর বা স্থানান্তর বা হস্তান্তর করা;</p> <p>(উ) সম্পৃক্ত অপরাধ হইতে অর্জিত জানা সত্ত্বেও এই ধরনের সম্পত্তি গ্রহণ,</p>

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		<p>দখলে নেওয়া বা ভোগ করা;</p> <p>(ঋ) এইরূপ কোন কার্য করা যাহার দ্বারা অপরাধলব্ধ আয়ের অবৈধ উৎস গোপন বা আড়াল করা হয়;</p> <p>(এ) উপরে বর্ণিত যে কোন অপরাধ সংঘটনে অংশগ্রহণ, সম্পৃক্ত থাকা, অপরাধ সংঘটনে ষড়যন্ত্র করা, সংঘটনের প্রচেষ্টা অথবা সহায়তা করা, প্ররোচিত করা বা পরামর্শ প্রদান করা;"</p> <p><i>The suspicious transactions leading up to money laundering offences have been described in section 2(Ja) of the Money Laundering Prohibition Act, 2012 which runs as follows:</i></p> <p>(ফ) "সন্দেহজনক লেনদেন" অর্থ এইরূপ লেনদেন</p> <p>(১) যাহা স্বাভাবিক লেনদেনের ধরন হইতে ভিন্ন;</p> <p>(২) যেই লেনদেন সম্পর্কে এইরূপ ধারণা হয় যে,</p> <p>(ক) ইহা কোন অপরাধ হইতে অর্জিত সম্পদ,</p> <p>(খ) ইহা কোন সন্ত্রাসী কার্যে, কোন সন্ত্রাসী সংগঠনকে বা কোন সন্ত্রাসীকে অর্থায়ন;</p> <p>(৩) যাহা এই আইনের উদ্দেশ্যে পূরণকল্পে, বাংলাদেশ ব্যাংক কর্তৃক, সময়ে সময়ে, জারীকৃত নির্দেশনায় বর্ণিত অন্য কোন লেনদেন বা লেনদেনের প্রচেষ্টা;</p> <p><i>The money laundering offences have been termed as predicate offences in section 2(Sha) of the Money Laundering Prohibition Act, 2012 which states as follows:</i></p> <p>(১) দুর্নীতি ও ঘুষ;</p> <p>(২) মুদ্রা জালকরণ;</p> <p>(৩) দলিল দস্তাবেজ জালকরণ;</p> <p>(৪) চাঁদাবাজি;</p> <p>(৫) প্রতারণা;</p> <p>(৬) জালিয়াতি;</p> <p>(৭) অবৈধ অস্ত্রের ব্যবসা;</p> <p>(৮) অবৈধ মাদক ও নেশা জাতীয় দ্রব্যের ব্যবসা;</p> <p>(৯) চোরাই ও অন্যান্য দ্রব্যের অবৈধ ব্যবসা;</p> <p>(১০) অপহরণ, অবৈধভাবে আটকাইয়া রাখা ও পণবন্দী করা;</p> <p>(১১) খুন, মারাত্মক শারীরিক ক্ষতি;</p>

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		<p>(১২) নারী ও শিশু পাচার;</p> <p>(১৩) চোরাকারবার;</p> <p>(১৪) দেশী ও বিদেশী মুদ্রা পাচার;</p> <p>(১৫) চুরি বা ডাকাতি বা দসুতা বা জলদসুতা বা বিমান দসুতা;</p> <p>(১৬) মানব পাচার বা কোন ব্যক্তিকে বৈদেশিক কর্মসংস্থানের মিথ্যা আশ্বাস প্রদান করিয়া কোন অর্থ বা মূল্যবান দ্রব্য গ্রহণ করা বা করিবার চেষ্টা;</p> <p>(১৭) যৌতুক;</p> <p>(১৮) চোরাচালানী ও শুক্ক সংক্রান্ত অপরাধ;</p> <p>(১৯) কর সংক্রান্ত অপরাধ;</p> <p>(২০) মেধাস্বত্ব লংঘন;</p> <p>(২১) সন্ত্রাস ও সন্ত্রাসী কার্যে অর্থ যোগান;</p> <p>(২২) ভেজাল বা স্বত্ব লংঘন করে পণ্য উৎপাদন;</p> <p>(২৩) পরিবেশগত অপরাধ;</p> <p>(২৪) যৌন নিপীড়ন (Sexual Exploitation);</p> <p>(২৫) পুঁজি বাজার সম্পর্কিত মূল্য সংবেদনশীল তথ্য জনসম্মুখে প্রকাশিত হওয়ার পূর্বে তাহার কাজে লাগাইয়া শেয়ার লেনদেনের মাধ্যমে বাজার সুবিধা গ্রহণ ও ব্যক্তিগত বা প্রাতিষ্ঠানিক সুবিধার লক্ষ্যে বাজার নিয়ন্ত্রণের চেষ্টা করা (Insider Trading & Market Manipulation);</p> <p>(২৬) সংঘবদ্ধ অপরাধ (Organised Crime) বা সংঘবদ্ধ অপরাধী দলে অংশগ্রহণ;</p> <p>(২৭) ভীতি প্রদর্শনের মাধ্যমে অর্থ আদায়; এবং</p> <p>(২৮) এই আইনের উদ্দেশ্য পূরণকল্পে বাংলাদেশ ফাইন্যান্সিয়াল ইন্টেলিজেন্স ইউনিট কর্তৃক সরকারের অনুমোদনক্রমে গেজেটে প্রজ্ঞাপনের মাধ্যমে ঘোষিত অন্য যে কোন সম্পৃক্ত অপরাধ;</p> <p><i>The penalty for money laundering offences has been described in section 4 of the Money Laundering Protirodh Ain, 2012 which runs as follows:</i></p> <p>"৪। মানিলন্ডারিং অপরাধ ও দণ্ড</p> <p>(১) এই আইনের উদ্দেশ্য পূরণকল্পে, মানিলন্ডারিং একটি অপরাধ বলিয়া গণ্য হইবে।</p> <p>(২) কোন ব্যক্তি মানিলন্ডারিং অপরাধ করিলে বা মানিলন্ডারিং অপরাধ সংঘটনের চেষ্টা, সহায়তা বা ষড়যন্ত্র করিলে তিনি অন্যান্য ৪ (চার) বৎসর এবং অনধিক ১২ (বার) বৎসর পর্যন্ত কারাদণ্ডে দণ্ডিত হইবেন এবং ইহার অতিরিক্ত অপরাধের সাথে সংশ্লিষ্ট সম্পত্তির দ্বিগুণ মূল্যের</p>

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		<p>সমপরিমাণ বা ১০ (দশ) লক্ষ টাকা পর্যন্ত, যাহা অধিক, অর্থদণ্ডে দণ্ডিত হইবেন:</p> <p>তবে শর্ত থাকে যে, আদালত কর্তৃক ধার্যকৃত সময়সীমার মধ্যে অর্থদণ্ড পরিশোধে ব্যর্থ হইলে আদালত অপরিশোধিত অর্থদণ্ডের পরিমাণ বিবেচনায় অতিরিক্ত কারাদণ্ডে দণ্ডিত করিবার আদেশ প্রদান করিতে পারিবে।</p> <p>(৩) আদালত কোন অর্থদণ্ড বা দণ্ডের অতিরিক্ত হিসাবে দণ্ডিত ব্যক্তির সম্পত্তি রাষ্ট্রের অনুকূলে বাজেয়াপ্ত করিবার আদেশ প্রদান করিতে পারিবে যাহা প্রত্যক্ষ বা পরোক্ষভাবে মানিল্ডারিং বা কোন সম্পৃক্ত অপরাধের সাথে সম্পৃক্ত বা সংশ্লিষ্ট।</p> <p>(৪) কোন সত্তা এই আইনের অধীন কোন অপরাধ সংঘটন করিলে বা অপরাধ সংঘটনের চেষ্টা, সহায়তা বা ষড়যন্ত্র করিলে ধারা ২৭ এর বিধান সাপেক্ষে, উপ-ধারা (২) এর বিধান অনুসারে ব্যবস্থা গ্রহণ করা যাইবে এবং অপরাধের সহিত সংশ্লিষ্ট সম্পত্তির মূল্যের অন্যান্য দ্বিগুণ অথবা ২০ (বিশ) লক্ষ টাকা, যাহা অধিক হয়, অর্থদণ্ড প্রদান করা যাইবে এবং উক্ত প্রতিষ্ঠানের নিবন্ধন বাতিলযোগ্য হইবে:</p> <p>তবে শর্ত থাকে যে, উক্ত সত্তা আদালত কর্তৃক ধার্যকৃত সময়সীমার মধ্যে অর্থদণ্ড পরিশোধে ব্যর্থ হইলে আদালত অপরিশোধিত অর্থদণ্ডের পরিমাণ বিবেচনায় সত্তার মালিক, চেয়ারম্যান বা পরিচালক যে নামেই অভিহিত করা হউক না কেন, তাহার বিরুদ্ধে কারাদণ্ডে দণ্ডিত করিবার আদেশ প্রদান করিতে পারিবে।</p> <p>(৫) সম্পৃক্ত অপরাধে অভিযুক্ত বা দণ্ডিত হওয়া মানিল্ডারিং এর কারণে অভিযুক্ত বা দণ্ড প্রদানের পূর্বশর্ত হইবে না।"</p> <p><i>Admittedly, accused Merajul Haque Bhuiyan @ Shiplu, Rashidul Haque Bhuiyan and Shahidul Haque Bhuiyan are brothers of accused Enumul Haque and accused Pavel Rahman is their manager and none of them appeared before this court to contest the case. This is an established principle of law, that is, 'Fatetur facing qui judicium fugit, in English, 'He who flees judgment confesses his guilt.'</i></p> <p><i>The motive and conduct of the accused persons are quiet identical. Considering the law laid down in section 8 and 9 of the Evidence Act, 1872 it is clear</i></p>

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		<p><i>that the long absconsion of the accused persons implicates them in the alleged offence. In the case of Manzoor Elahi v. State reported in PLD 1965 Lah. 656 it was decided by the Court that the conduct of a person in absconding after the commission of offence is an evidence to show that he was concerned in the offence. In the case of Nizam Hazari v. State reported in 53 DLR 475, the High Court Division of the Supreme Court of Bangladesh observed that abscondence of accused is a relevant fact under section 9 of the Evidence Act and unless accused explains his conduct abscondence may indicate his guilt. The record of the case indicates that the accused Merajul Haque Bhuiyan @Shiplu, Rashidul Haque Bhuiyan, Shahidul Haque Bhuiyan and Pavel Rahman are absconded since the inception of the case. In respect of long abscondence hon'ble High Court Division of the Supreme Court of Bangladesh in the case of Al Amin and others v. State reported in 51 DLR 154 very concretely stated that long abscondence and non-submission to the process of the court speaks a volume against the accused persons and clearly suggests their involvement in the crime. Abscondence of the accused persons furnishes corroboration of the prosecution case and evidence. Explaining the applicability of section 8 and 9 of the Evidence Act the same Court in the case of State v. Saiful Islam and another reported in 56 DLR 376 observed: "Abscondence of an accused person in same circumstances may not be an incriminating circumstance against him in respect of his guilt but long abscondence is an important corroboration of the prosecution case."</i></p> <p><i>Therefore, considering the principle of law and</i></p>

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		<p><i>also considering the merit of the case it is very clear that accused Merajul Haque Bhuiyan @ Shiplu, Rashidul Haque Bhuiyan, Shahidul Haque Bhuiyan and Pavel Rahman are fugitive from beginning of the case. It means that virtually they have admitted their guilt which indicates that the prosecution is able enough to prove the charge against the accused persons beyond all reasonable doubt.</i></p> <p><i>Before coming to conclusion it is pertinent to say something about money laundering offences. The organized crime and money laundering are no doubt a severe threat to the rule of law and sustainable development of the country. Money laundering is a serious offence now a day. The recent growing of Casino gambling and business has, in essence emerged a backdoor for organized crime to launder their dirty money into financial system. Illegal gambling operations is especially serious, because the money earned from illegal gambling are being used to fund other activities including money laundering, extortion and fraud. If the money laundering offences are unchecked, money laundering can destabilize the financial system and undermine the development efforts in emerging markets. It weakens the social fabric and collective ethical standards. Therefore, state demands that an appropriate punishment can prevent the accused persons from committing offence of money laundering. The prosecution by adducing consistent and cogent evidence has been able to prove this matter.</i></p> <p><i>In the light of foregoing discussions and observations all of the points for determination are settled against the accused persons and for the reasons the accused persons are found guilty and should be</i></p>

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		<p><i>punished accordingly.</i></p> <p><i>Hence,</i></p> <p style="text-align: center;"><i>it is ordered</i></p> <p><i>That the accused persons, namely, 1) Enamul Haque Enu, 2) Rupon Bhuiyan, 3) Merajul Haque Bhuiyan @ Shiplu (absconded), 4) Rashidul Haque Bhuiyan (absconded), 5) Shahidul Haque Bhuiyan (absconded), 6) Abul Kalam Azad @ Azad Rahman, 7) Md. Pavel Rahman (absconded), 8) Tuhin Munshi, 9) Nobir Hossain Shikdar, 10) Md. Saiful Islam and 11) Joy Gopal Sarker are found guilty of committing the offence of money laundering under section 4(2) of the Money laundering Prevention Act, 2012 and accordingly are convicted and sentenced to suffer imprisonment for 7(Seven) years and also to pay a fine of Tk. 4,00,000,00/- (Taka four Crore) (doubling the laundered money).</i></p> <p><i>The properties of the accused persons in connection with this offence are hereby confiscated in favour of the State.</i></p> <p><i>The convicts are directed to pay the fine proportionately within next 60 (Sixty) days; in default to suffer imprisonment for 1(one) year more.</i></p> <p><i>The sentences shall take effect from the date of arrest or surrender of the absconding convicts as the case may be.</i></p> <p><i>Issue warrant of arrest at once.</i></p> <p><i>The period during which the convict persons were in custody in connection with this case (if any) shall be deducted from the above period of sentence of imprisonment u/s 35A of the Code of Criminal Procedure.</i></p> <p><i>Let the convicts present be taken into jail custody through warrant of conviction.</i></p>

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		<p style="text-align: center;"><i>Let a copy of this judgment be forwarded to the learned Chief Metropolitan Magistrate and District Magistrate, Dhaka for information and necessary action.</i></p> <p style="text-align: center;"><i>Dictated & Corrected by me,</i></p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 50%;"><i>SD/- Illegible</i></td> <td style="text-align: center; width: 50%;"><i>SD/- Illegible</i></td> </tr> <tr> <td style="text-align: center;"><i>(Md. Iqbal Hossain)</i></td> <td style="text-align: center;"><i>(Md. Iqbal Hossain)</i></td> </tr> <tr> <td style="text-align: center;"><i>Special Judge</i></td> <td style="text-align: center;"><i>Special Judge</i></td> </tr> <tr> <td style="text-align: center;"><i>Special Court No. 5,</i></td> <td style="text-align: center;"><i>Special Court No. 5,</i></td> </tr> <tr> <td style="text-align: center;"><i>Dhaka.</i></td> <td style="text-align: center;"><i>Dhaka.</i></td> </tr> </table> <p>প্রসিকিউশন পক্ষের সকল স্বাক্ষীগণের সাক্ষ্য সবিস্তারে পর্যালোচনায় প্রতীয়মান যে, সকল সাক্ষ্যগন পরস্পর পরস্পরকে সমর্থন করে বক্তব্য প্রদান করে প্রসিকিউশন পক্ষের অভিযোগ সন্দেহাতীতভাবে প্রমাণ করতে সক্ষম হয়েছেন। বিচারিক আদালতের রায় পর্যালোচনায় কোন প্রকার ত্রুটি বিচ্যুতি পরিলক্ষিত হয় না। বিজ্ঞ বিচারিক আদালতের রায় ও দন্ডদেশ সঠিক এবং ন্যায়ানুগ হয়েছে। অত্র আপীলটি না-মঞ্জুর যোগ্য।</p> <p>অতএব, আদেশ হয় যে, অত্র ফৌজদারী আপীলটি না-মঞ্জুর করা হলো।</p> <p>বিজ্ঞ বিশেষ জজ, বিশেষ জজ আদালত নং- ৫, ঢাকা কর্তৃক বিশেষ মোকদ্দমা নং- ১১/২০২০-এ প্রদত্ত বিগত ইংরেজী ২৫.০৪.২০২২ তারিখের রায় ও দন্ডদেশ এতদ্বারা বহাল রাখা হল।</p> <p>অত্র রায় ও আদেশের অনুলিপি প্রাপ্তির ৩০ (ত্রিশ) দিনের মধ্যে আসামী-আপীলকারীকে বিজ্ঞ বিচারিক আদালতে আত্মসমর্পনের নির্দেশ প্রদান করা হলো। ব্যর্থতায় বিজ্ঞ বিচারিক আদালত আসামীকে গ্রেফতারের প্রয়োজনীয় পদক্ষেপ গ্রহণ করবেন।</p> <p>অত্র রায়ের অনুলিপিসহ অধঃস্তন আদালতের নথি সংশ্লিষ্ট আদালতে দ্রুত প্রেরন করা হউক।</p> <p style="text-align: right;">(বিচারপতি মোঃ আশরাফুল কামাল)</p>	<i>SD/- Illegible</i>	<i>SD/- Illegible</i>	<i>(Md. Iqbal Hossain)</i>	<i>(Md. Iqbal Hossain)</i>	<i>Special Judge</i>	<i>Special Judge</i>	<i>Special Court No. 5,</i>	<i>Special Court No. 5,</i>	<i>Dhaka.</i>	<i>Dhaka.</i>
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হাইকোর্ট ফৌজদারী ফরম নং- ৬

নম্বর ২০

ক্রমিক নং	তারিখ	নোট ও আদেশ

হাইকোর্ট ফৌজদারী ফরম নং- ৬

নম্বর ২০

ক্রমিক নং	তারিখ	নোট ও আদেশ
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