

Present:

Mr. Justice Md. Salim

CRIMINAL REVISION NO.1097 of 2022

Md. Jahangir Alom (Bahar)
..... Petitioner.

-Versus-

The State and another
..... Opposite parties.

Mr. Rezaul Kabir, Advocate
.....For the Petitioner.

Mr. Md. Jahed Hossain, Advocate
..... For the Opposite party No.2

Mr. Monzurul Alam Sujon, DAG with
Mr. Towhidul Islam, AAG
Mr. Syed Akhtarul Islam, AAG
..... For the State.

Heard on 13.05.2026

Judgment on 20.05.2026

By this Rule, the opposite parties were called upon to show cause as to why the impugned Judgment and order dated 02.03.2022 passed by the learned Additional Sessions Judge, 1st Court, Cumilla in Criminal Appeal No.604 of 2021 dismissing the appeal and affirming the Judgment and order of conviction and sentence dated 06.06.2018 passed by the learned Senior Judicial Magistrate, 3rd Court, Cumilla in C.R Case No.948 of 2015 (Chandina) convicting the accused-petitioner under Section 4 of the Dowry

Prohibition Act, 1980 and sentencing him to suffer rigorous imprisonment for 1(one) year.

Prosecution case, in brief, is that P.W-1 Mst. Fatema Akter, being a complainant, filed a complaint before the learned Judicial Magistrate, Cumilla, against the convict-petitioner, contending, inter alia, that the accused Md. Jahangir Alam is her husband, and they married on 28.12.2010 by a kabinnama. Their marriage was duly consummated, and from their wedlock, they have one child, Jakia Sultana. Since the marriage, the defendant had been exerting pressure on the complainant for dowry. The defendant borrowed Tk.2,70,000/- from her father, and one year after the marriage, the accused went to Dubai. After returning from Dubai, instead of repaying the said amount to the complainant's father, the accused demanded a further sum of Tk.3,00,000/- as dowry, and the same being refused, tortured her mentally and physically, and sent her to her father's house. Thereafter, she asked her father for details about the demand for dower. Subsequently, on 28.08.2015, an arbitration was held at her parents' house, and during that arbitration, the

accused further demanded a dower of Tk.3,00,000/- from her father, and if the demand was not fulfilled, the accused would not continue the marriage with her. Hence, she was constrained to lodge the complaint.

The learned Judicial Magistrate, Cumilla, on perusal of the complaint, examined the complainant under Section 200 of the Code of Criminal Procedure and took cognizance of the case against the accused under Section 4 of the Dowry Prohibition Act, 1980.

Subsequently, the learned Senior Judicial Magistrate, Cumilla, framed the charge against the convict petitioner under section 4 of the Dowry Prohibition Act, 1980.

During the trial, the prosecution examined as many as 4 (four) witnesses, while the defense examined none.

After the evidence was closed, the accused petitioner was not examined under section 342 of the Code of Criminal Procedure due to his absence from the court.

After closure of the trial, the learned Senior Judicial Magistrate, 3rd Court, Cumilla, by the

Judgment and order dated 06.06.2018, convicted the accused-petitioner under Section 4 of the Dowry Prohibition Act, 1980 and sentenced him to suffer rigorous imprisonment for 1 (one) year.

Being aggrieved by and dissatisfied with the above Judgment and order of conviction and sentence, the convict-petitioner, as the appellant, preferred an appeal, which has been registered as Criminal Appeal No.604 of 2021 before the Sessions Judge, Cumilla.

Eventually, the learned Additional Sessions Judge, 1st Court, Cumilla, by the Judgment and order dated 02.03.2022, dismissed the appeal and affirmed those passed by the trial Court below.

Being aggrieved by and dissatisfied with the above Judgment and order, the convict appellant, as petitioner, preferred the instant Criminal Revision before this court and obtained the instant Rule.

Mr. Md. Rezaul Kabir, the learned advocate appearing on behalf of the convict-petitioner, submits that the prosecution has failed to prove the charge under section 4 of the Dowry Prohibition Act, 1980 against the accused-petitioner beyond reasonable

doubt. However, the trial Court and the appellate court erroneously considered the said charge and convicted the petitioner. He further submits that, subsequently, the dispute between the parties has been amicably settled through mutual compromise, and at present no grievance exists between them. Therefore, considering the facts and circumstances of the case, the impugned Judgment and order of conviction are liable to be set aside.

Mr. Muhammad Jahed Hossain, the learned advocate appearing on behalf of the complainant-opposite party No.2, opposes the Rule and the submissions advanced by the learned advocate for the petitioner. He submits that, admittedly, a complaint petition has been filed before the learned court below alleging the commission of the offense by the accused-petitioner. Pursuant thereto, the learned court, upon consideration of the evidence and materials on record, lawfully proceeded with the case and arrived at its findings. He further submits that both the courts below, upon proper appreciation of the evidence on record, concurrently found the petitioner guilty and, as such,

the impugned Judgment and order call for no interference by this court.

Be that as it may, in order to appreciate the submissions made in the revisional application by the convict petitioner and submission of the learned advocate for the opposite party No.2, as well as for proper adjudication of the matter, we have gone through the impugned Judgment, evidence, and other materials on record. It appears that the prosecution examined as many as 4(four) witnesses. Of them,

P.W.1- Mst. Fatema Akter, a complainant, stated in her examination-in-chief that the accused Md. Jahangir Alam is her husband, and they got married; the marriage was duly registered on 28.12.2010 by a kabinnama. Their marriage was duly consummated, and from their wedlock, they have one child, Jakia Sultana. Since the marriage, the defendant had been exerting pressure on the complainant for dowry. The accused borrowed Tk.2,70,000/- from her father, and one year after the marriage, the accused went to Dubai. After returning from Dubai, instead of repaying the said amount to her father, the accused demanded a further

sum of Tk.3,00,000/- as dowry, and the same being refused, tortured her mentally and physically, and the accused deported her to her father's house. Thereafter, she asked her father for details about the demand of the accused. Subsequently, on 28.08.2015, an arbitration was held at her parents' house, and during that arbitration, the accused further demanded a dower of Tk. 3,00,000/- from her father, and threatened that if the demands were not fulfilled, the accused would not continue the marriage with her.

P.W. 2, Hafej Abdul Zalil, stated in his examination-in-chief that the complainant is his daughter, that on 28.08.2015 an arbitration was held at his house, and that, during the arbitration, the accused demanded a dower of Tk.3,00,000/- to him.

The defense cross-examined him but failed to devastate her.

P.W. 3 Md. Zamal Hossain stated in the examination-in-chief that on 28.08.2015, an arbitration was held at the complainant's father's residence, and

that, during the arbitration, the accused demanded a dower of Tk.3,00,000/- to him.

P.W. 4 Ali Akkas stated in the examination-in-chief that on 28.08.2015, an arbitration was held at the complainant's father's residence, and that, during the arbitration, the accused demanded a dower of Tk.3,00,000/- to him.

Analyzing the above evidence, it appears that the complainant, examined as P.W.1, who stated, in line with the petition of complaint, and that P.W.2 to P.W.4 corroborated the evidence of P.W.1.

It is the cardinal principal that the language of section 4 of the Dowry Prohibition Act, 1980 suggests that the demand of dowry should be made to the parents or guardians of a bride or bridegroom, as the case may be, to bring a person under the dragnet of section 4 of the Dowry Prohibition Act, 1980. In other words, if a husband demands dowry to his wife directly, instead of her parents or guardians, such demand will not come under the purview of section 4 of the Dowry Prohibition Act, 1980.

In the present case, it appears that the prosecution has successfully proved, through the testimony of witnesses, that the convict petitioner demanded a dowry of Tk.3,00,000/- from the complainant's father.

Therefore, we are of the firm view that the prosecution successfully proved the charge under section 4 of the Dowry Prohibition Act, 1980 against the accused petitioner beyond any reasonable doubt. The learned judge of the trial court below exhaustively discussed the evidence, both oral and documentary, and arrived at the finding of guilt of the accused petitioner. On the contrary, the appellate court below duly considered the evidence on record and, having regard to the other aspects of the case, very judiciously affirmed the findings of the trial court below.

In view of the above facts and circumstances, it appears that the trial Court exhaustively discussed the evidence, both oral and documentary, and arrived at the finding of guilt against the accused. The trial Court independently considered the evidence and rightly passed Judgment and issued the order of conviction

and sentence. On the contrary, the appellate court has given its findings after considering the evidence in detail, and the Judgment of the trial court below has found no substance in the arguments of the convict-petitioner. Thus, the instant Rule has no substance.

However, from the record it appears that the petitioner's previous criminal record is very clean, and the petitioner faced a prolonged trial in the trial Court, then in the appellate court, and then in this Division. Thus, it appears that the ends of justice would be best served if the sentence is treated as served out.

Resultantly, the Rule is discharged; however, the sentence is deemed to be served.

The impugned Judgment and order dated 02.03.2022 passed by the learned Additional Sessions Judge, 1st Court, Cumilla in Criminal Appeal No.604 of 2021 dismissing the appeal and affirming the Judgment and order of conviction and sentence dated 06.06.2018 passed by the learned Senior Judicial Magistrate, 3rd Court, Cumilla in C.R Case No.948 of 2015, is affirmed and maintained with modification of sentence.

Let the petitioner be released from the bail bond furnished by the petitioner before the courts below.

Send down the lower court records with a copy of this Judgment.

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(Md. Salim, J).

Rakib/ABO