

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p>বাংলাদেশ সুপ্রীম কোর্ট হাইকোর্ট বিভাগ (ফৌজদারী আপীল অধিক্ষেত্র)</p> <p>উপস্থিতঃ</p> <p>বিচারপতি জনাব মোঃ আশরাফুল কামাল</p> <p><u>ফৌজদারী আপীল নং ৪১/১৯৯০</u></p> <p>মোঃ সদর উদ্দিন মুন্সী</p> <p>-----সাজাপ্রাপ্ত-আপিলকারী।</p> <p>-বনাম-</p> <p>রাষ্ট্র ও অন্য</p> <p>-----প্রতিপক্ষদ্বয়।</p> <p>এ্যাডভোকেট উপস্থিত নাই</p> <p>---সাজাপ্রাপ্ত-আপীলকারী পক্ষে।</p> <p>এ্যাডভোকেট মোঃ আশেক মোমিন, ডেপুটি এ্যাটর্নী জেনারেল সংগে</p> <p>এ্যাডভোকেট লাকী বেগম, সহকার এ্যাটর্নী জেনারেল</p> <p>এ্যাডভোকেট ফেরদৌসী আক্তার, সহকারী এ্যাটর্নী জেনারেল</p> <p>-- --রাষ্ট্র-প্রতিপক্ষ পক্ষে।</p> <p><u>শুনানী তারিখঃ ১৮.০১.২০২৩ এবং রায় প্রদানের তারিখঃ</u></p> <p><u>১৯.০১.২০২৩।</u></p> <p><u>বিচারপতি জনাব মোঃ আশরাফুল কামালঃ</u></p> <p>বিজ্ঞ সিনিয়র বিশেষ ট্রাইব্যুনাল এবং দায়রা জজ বরিশাল কর্তৃক বিশেষ ট্রাইব্যুনাল মোকদ্দমা নং-৬/১৯৯০-এ প্রদত্ত বিগত ইংরেজী ৩১.০৭.১৯৯০ তারিখের রায় ও দণ্ডদেশের বিরুদ্ধে অত্র ফৌজদারী আপীল।</p> <p>আপীলকারী পক্ষে বিজ্ঞ এ্যাডভোকেট অনুপস্থিত।</p> <p>অপরদিকে রাষ্ট্র পক্ষে বিজ্ঞ ডেপুটি এ্যাটর্নী জেনারেল এ্যাডভোকেট মোঃ আশেক মোমিন বিস্তারিতভাবে যুক্তিতর্ক উপস্থাপন করেন।</p> <p>অত্র আপীল মেমো এবং নথি পর্যালোচনা করা হল। রাষ্ট্রপক্ষের বিজ্ঞ ডেপুটি এ্যাটর্নী জেনারেল এ্যাডভোকেট মোঃ আশেক মোমিন এর বিস্তারিত যুক্তিতর্ক শ্রবণ করা হল।</p> <p>গুরুত্বপূর্ণ বিধায় বিজ্ঞ সিনিয়র বিশেষ ট্রাইব্যুনাল, বরিশাল কর্তৃক বিশেষ ট্রাইব্যুনাল মোকদ্দমা নং-০৬/১৯৯০ এ প্রদত্ত বিগত ইংরেজী ৩১.৭.১৯৯০ তারিখের রায় ও আদেশ নিম্নে অবিকল অনুলিখন হলোঃ-</p> <p>“Briefly, the case for the prosecution is that on 4.7.89 while the informant Baitul Ahmed’s parents were staying at his residence in Dhaka for the</p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>purpose of treatment of his ailing mother his younger sister Yasmin of 14/15 years only. Since victim, was living with their step mother (elder mother) in their village home at Sharukhali, under the P.S. Kotwali, District Barisal As the victim Yasmin used to weep for their along mother who was in Dhaka for treatment accused Sadaruddin Munshi, their first cousin and close neighbor, took her with him from their house on the evening of 4.7.89 on the saying that she would be taken to Dhaka. At the relevant time the informants' younger brother Harunar Rashid was not at home returning home from the house of their elder sister at Bhanga under the P.S. Mehendiganj, he came to know that his sister Yasmin was taken to Dhaka by the accused Sadaruddin, and at once he also left for Dhaka. Reaching the residence of the informant in Dhaka on the following moring he told him( the informant) that the accused Sadaruddin took their sister Yasmin with him from their village home on the saying that she would be brought to Dhaka. As the accused Sadaruddin did not reach the informant's residence with Yasmin within a reasonable time the informant went out in search of them, asked their other relatives in Dhaka for Yasmin, but she were not found anywhere. The informant, therefore, came to Barisal and made search for Yasmin in the houses of their relatives here, but it vain. Hence, stating the occurrence he lodged a typed ejahar with the Thana giving rise to this case, 23 days after the lodging of the Ejahar police recovered the victim and the accused from Dhaka and the victim then told the informant that the accused Sadaruddin took her to different places including Bhola, during this period and revished her. Accordingly, on investigation charge-sheet was submitted against this accused</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>Sadaruddin and five others, namely, Shahabuddin, Badaruddin Munshi, Rabi Begum, Jashim and Raham Ali under Section 4 (c) of the Cruelty to women (Deterrent Punishment) Ordinance,1983 charge was framed U/S 4(c) of the Cruelty to Women (deterrent punishment) Ordinance 1983, but after hearing arguments of both the sides the charge has been amended as on u/s 4 (c) of the Cruelty to Women( Deterrent Punishment)(Amendment) Act 1988 against the accused Sadaruddin and u/s 4 (c)/9 of the Act against the others.</i></p> <p><i>The defence case as it appears from the tread of cross-examinations of the concerned P.Ws. is that the members of the informant’s family indulge in antisocial activities and as the accused Sadaruddin stands in the way of their such activities they are inimical to him from long before, and they are also at logger hands with him(this accused) on the question of partition of their ancestral property. It is pleaded that the victim was concealed by the informant and his men during the period in question and the case has been filed falsely on a concocted story only to humiliate the accused person in the society. Hence it is claimed that the accused persons are innocent in this case.</i></p> <p><b><u>Points for determination</u></b></p> <p><i>1. Did the accused Sadaruddin abduct the victim Yasmin in the alleged manner in order that she may be forced or seduce to illicit intercourse or knowing it that she will be forced or Schedule to illicit inter courses?</i></p> <p><i>2. If the other accused persons abetted the aforesaid of fence allegedly committed by the accused Sadaruddin and if the offence was committed by him in consequences of their such abetment?</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><b><u>FINDING &amp; DECISION</u></b></p> <p><i>Both the points are taken up together for discussions for the sake of convenience and brevity as these are inter related.</i></p> <p><i>In all 12 witnesses have been examined in this case, all being on behalf of the prosecution and none being on behalf of the defence.</i></p> <p><i>Having been examined as P.W. 1 the informant Baitul Ahmed has given a detailed account of the prosecution case as stated above. So, instead of recapitulating his version in its entirety I would simply like to state her the substance of his evidence which is to the affect that the accused Sadaruddin took the victim Yasmin with his from their village home on the evening of 4.7.89 on the plea that she would be taken to Dhaka to see her ailing mother their and thereafter he moved to different places with her and ravished her. As the victim did not reach the victim's residence in Dhaka within a reasonable time the informant made a search for her both in Dhaka and Barisal and finding her no where he lodged are ejahar with the Barisal kotwali P.S. About 23days after lodging of the F.I.R the accused and the victim were recovered from Dhaka by the Dhaka police and then the victim met marrated the occurrence to him. The ejahar so lodged by him has been marked ext. 1 on his evidence. A lengthy cross-examination has been made to this witness on behalf of the defence mainly suggesting this informant and the other members of his family indulge in anti-social activities and as the accused Sadaruddin protests their such activities they have got enmity with him . It has also been suggested that the informant's father and this accused has land dispute from long past and for all these reasons a false case like this has been filed</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>against this accused by the informant. Though not all, some suggestions has been of course admitted by this witness. To be specified it appears that he has admitted the defence suggestion that in the year 1975/76 he and his brother Harun were accused in a dacoity case and that during that period as well as for the subsequent terms accused Sadaruddin was an elected member of the Union Parishad. From his statement's made in cross-examination it transpires that all of his sisters were married twice or thrice and that his father also accepted three wives. He has frankly admitted that after recovery of the victim he did not make any statement to the Daroga or any Magistrate the affect that his sister, the victim , told him that the accused Sadruddin took her to different places and revished her. As regards the accused Sadaruddin, he has stated that his accused has three sons and three daughters, adding further that two of his daughters are married and they have children . It has been also stated by him that the eldest son of this accused has passed the S.S.C examination that his second daughter who has passed H. S. C examination now serves under CARE a non Just Organization. This suggestion has however, been given to show the difference of age between the victim and the accused. The victim was then admittedly a girl of 14/15 years old. The relationship between the victim and the accused is that the accused is first cousin of the victims. So, by importing such facts the learned Advocate for the defence tried to suggest that the accused being such an elderly man can not indulge in the alleged offence with his own chachato sister. As against such suggestion the argument canvassed by the Ld. P.P. is that victim can have no reason to give a false story in respect of her own</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>chastity and counter arguments on this point will be examined later on after discussing the evidence of the other P.Ws.</i></p> <p><i>As the fate of the Case primarily hinges on the evidence of the victim Yasmin herself. I would like to discuss her evidence here after breaking the serial numbers. She has been examined as P.W.5. The P.Ws.3 and 4 are official witnesses and their evidence will be discussed later on. This victim P.W 5 has given a detailed account of the occurrence in question. Her evidence is briefly to the effect that during the relevant period her mother and father was in informant, for their treatment and as she staying at their village home unes to weep for her ailing parents, the accused Sadaruddin, her first cousin, took her with him on 4.7.89 in the evening , on the plea that she would be taken to Dhaka to see her parents. Thereafter, this accused Sadaruddin took her to the house of accused Badaruddin first and there from he took her to the village singherkati and kept her there for one night. Therefrom the accused took her to Bhola in the house of the accused Sadaruddin Munshi is brother in law and kept her there for 7 days. During that period the accused Sadaruddin obtained her signature on a blue paper and committed rape on her by force against her will for 5/6 days. Then she was taken to the house of the accused Badaruddin Munsh's father-in-law and there from to the house of his another brother-in-law. Lastly, she was taken to Dhaka and the accused Sadaruddin Munshi then told her that he would meet her parents and then she ( the victim) would be taken there. While they were thus staying at a place in Dhaka police arrested both of them , produced her before a Magistrate in Dhaka and being released therefrom she accompanied her</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p>brother, the informant, to the Barisal Kotwali P.W</p> <p>Here also she was produced before a Magistrate and accordingly she made a statement u/s 164, Cr. P.C. to him. Thereafter, she was examined by two female Doctors. In cross-examination she has denied the defence suggestion that she went to Dhaka on 4.7.89 with her second brother Harunar Rashid and stayed at the house of her sister Tashlima and that the allegations to the contrary are false. Hence she has stated that became of the forcible sexual intercourse by the accused Sadaruddin there had been injuries on her cheek, breast, lips and she showed the injuries to the female Doctors. We shall, however, find later on that the said Doctor the P.Ws 3 &amp;4 have not stated of any such injuries on the person of the victim. It may be mentioned here that the victim was medically examined on 17.8.89 that is long after the occurrence. So, father such a long gap the injuries, if any are not likely to exist on the person of such a victim. In the cross-examination she has failed to give description of the different houses she was allegedly kept in during the period of the occurrence. She has also failed to say how many male or female persons were in those houses. As regards the manner of their going to Dhaka she has stated that from Bhola she was taken to Dhaka by Launch was double deeker or singly deeker . She has added that from Dhaka Sadar Ghat she was taken to the residence of a person in Dhaka by Bus. On a question if she stated the occurrence to any passenger she has replied that the accused kept her under threat on dagger point and thereby she has given an explanation as to why he could not disclose the occurrence to anybody else during the period she was kept in custody of the accused Sadaruddin.</p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>P.W.6 Abdul Halim Ukil Upazila Magistrate, Barisal Sadar, recorded the statement of the victim u/s 104 Cr.P.C on 2.08.89 when she was produced before him after her recovery . This statement has been marked Ext 3 on his evidence but it is strange that the signature of the marker has no been obtained on this statement, no there is any certificate that (illegible) was read over to the maker. This recording Magistrate has also admitted that he did not obtain any signature of the victim on this statement and that he did not also give any certificate to the effect that this was read over to her .This means that the Ld. Magistrate does not know the formalities of recording statement of a witness u/s 164, Cr.P.C be that as it may no conterdiction has been suggested with reference to this statement. Hence, this does not call for any critical analysis. Became, evidence of the victim is likely to prevail over her such statement the contents of which are not challenged. In other wards, it is to be said that in the face of her evidence at the trial, this statement, Ext.3 has lost its importance to a great extent.</i></p> <p><i>P.W.7 Makhlesur Rahman is Chairman of the Local Union Parishad. He knows the informant and the accused Sadaruddin. He has stated that on 6.7.89 the informant (illegible) him and told him that the accused Sadaruddin took his younger sister Yasmin with him, adding further that Belayet Hossain of Chandpura and Nayan Kha of Hizla told him that they found the accused Sadaruddin joint the Yasmin . He has further stated that subsequently on the day of Eid-ul-Azaha the accused Badaruddin approached him for a compromise over the matter by making an arrangement for marriage between the victim Yasmin and the accused Sadaruddin. In cross-examination he</i></p>



ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>has admitted that the accused Saderuddin contested the Union Parishad election for the post of a member. But has denied the suggestion that he worked against his( this P.Ws) interest. In the next place he has stated that he did not state to the I.O that the accused Badaruddin approached him for a compromise over that matter. He, therefore appears to be a witness of impertial character.</i></p> <p><i>The said Belayet Hossain has been examined as P.W.11. He has stated that on 4.7.89 at about 8/8-30 O'clock in the night, he found the accused Sadaruddin going with a girl and 3/4 others, and he narrated this occurrence to the local Chairman, the P.W-7 Though, in cross-examination he has denied the defence suggestion that he did not state to the I. O that on 4.7.89 at about 8/8-30 O'clock in the night, he found the accused Sadaruddin going with a girl and 3/4 others or that he did not state any such occurrence to the local Chairman, form that evidence of the I.O the P.W.12. we find substance in such suggestions. Because, the P.W 12 has stated in cross-examination that the P.W. 11 Belayet Hossain did not state to him that at the aforesaid time he found that accused Sadaruddin going with a girl and 3/4 others or that the stated this occurrence to the local Chairman rather, he stated to him that on the morning of 8-7-89 the informant stated this occurrence to the Chairman in his presence. So, his evidence to the aforesaid effect may be coloured as an improvement of the case, but nor as a contradiction. It may be that he omitted to state these facts to the I.O in his statement u/s 161 , Cr.P.C As he has not specifically given the name of the girl in his evidence and as there is no suggestion that his witness has got any enmity with the accused Sadaruddin, I find no</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>good reason to discard his evidence to the said effect.</i></p> <p><i>P.W.8 Parman Nessa is the elder step mother of the victim Yasmin. She is an old lady of about 60 . She has stated that in Ashar before last, the accused Sadaruddin took the Yasmin with him on the saying that her mother had undergone operation in Dhaka. In cross-examination she had stated that after the victim was taken by the accused Sadaruddin her son Harun returned home and he also left for Dhaka.She has denied the defence suggestion that the victim went to Dhaka with (illegible) This old woman appears to be a witness of innocent character inasmuch as she has failed to give the correct date of the occurrence.</i></p> <p><i>P.W.9 Shahana Jaman is is wife of Harun and Baavi of the victim. She has stated that on 4.7.89 in the evening accused Sadaruddin took Yasmin with him on the saying that she would be taken to Dhaka. Thereafter, her husband who went to Mahendiganj, returned home and coming to know of his mother's illness and also of Yasmin's going to Dhaka, he also started for Dhaka. She has denied the defence suggestion that on that date(4.7.89) she was not at home.</i></p> <p><i>Harunar Rashid, another brother of the victim and husband of the P.W.9 has been examined as P.W. 10 . His evidence is to the effect that on 4.7.89 after evening ,he returned home form Mehendiganj and coming to know that his mother was ill in Dhaka and his sister Yasmin was taken by the accused Sadaruddin on the saying that she would the taken to Dhaka, he also left for Dhaka by the night coach. Reaching the P.W.1's residence in Dhaka on the morning of 5.7.89 he did not , however, found her sister Yasmin or the accused Sadaruddin there. Hence he along with the informant went out in search of the</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p>victim and the accused , but in vain. Ultimately they were recovered from Dhaka by the Police on 26.7.89. The victim then told him that during this period the accused Sadaruddin ravished her. In cross-examination he has admitted that he and his brother the informant were made accused in a paddy cutting case filed by their co-villager Shujauddin and they were taken to Hajat in that case. From his evidence it transpires that he is a High School teacher. It may be mentioned here that this brother the P.W.1, is an Income peactitioner in Dhaka. However, though he has denied the defence suggestion that he did not state to the I.O. that the victim told him that the accused Sadaruddin ravished her from the evidence of the I.O, the P.W-12 it appears that this witness did not make any such statement to him. This speaks of a mere omission, but not of contradiction.</p> <p>P.W. 2 S.I. Ayub Ali has stated that on 26.7.89 he was attached to Dhammondi P.S Dhaka. On that date the informant P.W.1 Baitul Ahmed made a Diary with the Thana stating that the accused Sadarudding brought this sister yasmin to Dhaka on 4.7.89. Thereupon Thana Dairy No. 1332 dated 26.07.89 was recorded . Subsequently, on the direction of the O/C of the Thana, he recovered the victim and the accused from Tejkunipara, Dhaka, sent the victim to the Metropolitan Magistrate and arrested the accused u/s 54, Cr.P.C .Then he received a wireless massage from the O.C. Barisal Kotwali P.S that a case u/s 366A B.P.C was recorded therewith and Sadaruddin was an accused therein. On information this accused Sadaruddin was shown arrest in connection with the said Barisal Kotwali P.S case. In cross-examination he has denied the defence suggestion that the informant's men produced the accused Sadaruddin in</p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>the Thana and he arrested him thereupon. He has of course, frankly admitted that in his forwarding report the place of arrest of the accused has not been mentioned . He has not also prepared any sketch map of the place of arrest, or of the place of the victim. In the next place he has stated that there were injuries on the person of the accused Sadaruddin and accordingly he was sent Emergency Department, Dhaka Medical Collage for treatment . He has however, denied the defence suggestion that the informant's men assaulted this accused and that he was also assaulted by the police personnel at the Thana. In this connection he has added that at the time of his arrest public assaulted him. He appears to be and impertial Police officer . Hence, we can safely rely on his testimony to the effect that he arrested the victim and the accused from Tehkaunipara, Dhaka.</i></p> <p><i>P.W. 3 Dr. Halima Saida Begum and the P.W. 4 Dr. Rahmatjan Chowdhury examined the victim to determine her age. From their report Ext.'2, it appears that the victim was also examined by an Assistant Professor of Radiology Department concurring with the opinion of the Radiologist they have opined that the victim Yasmin was 14-16 years old during the relevant time. As regards that physical development of the victim it has been noted in the report that the brest , uterous and vagina of the victim were developed .She had menarche two years back and her hymen was raptured (old). As the report was asked for specifically on the question of age of the victim no specific opinion has been given on the question of rape on the victim, if any, and this was also not needed. The victim, was examined on 9.8.89. i.e. more than one month after the alleged occurrence. The victim claims that she was ravished</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p>by the accused Sadaruddin for 5/6 days while she was in his custody from the night of 4.7.89 till her recovery by the police on 20.7.89. Her evidence, therefore finds support in this medical report inasmuch as this speaks that herhymen was found raptured (old.). In cross-examination the P.W.3 has, of course, stated that if a girl receices injury on her private parts on a sudden fall or if there be any surgical operation thereupon her reupon her hymen may be raptured. But there is no suggestion that this victim had ever undergone any surgical operation on her private parts or that she ever received any injury therein because of a sudden fall. So, bearing in mind that her hymen was raptured (old) it may be said that she was ravished prior to her examination by the Medical Board.</p> <p>P.W.12 Kaka Mia, the I.O has stated that during investigation he visited the P.O. prepared the sketch map Ex 5 with the index, Ext 6 and examined witnesses. In the next place he has stated that on 1.8.89 the informant produced the victim in the Thana, But prior to this he informed the Dhaka police that a girl was abducted and thereupon the Dhaka police recovered the victim and the accused. He has added that after the victim was produce in the Barisal Barisal Kotwali P.S. he recorded her statement u/s 161 Cr.P.C and thereafter he produced the victim before the Magistrate who recorded her statements u/s 164 Cr.P.C. Thereafter, according the direction of the Magistrate he sent the victim for medical examination. In cross-examination he has admitted that except the victim's village house he did not go to any other place for the purpose of investigation of the case. He did not also examine any members of the house of the accused Badruddin's father-in-law at</p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>singherkati As, according to the prosecution case, the victim was taken to defferent places by the accused Sadruddin if may be said that the I.O ought to have visited the other places as well, in cause of investigation of the case.So, on this consideration it may be sais that he did not investigate the case thoroughly, but only for this reason the prosecution case can not fail if the same is otherwise found genuine by the evidence on record.</i></p> <p><i>From the discussions made above, it appears that the victim’s evidence that on 4.7.89 in the evening. She was taken by the accused Sadaruddin from their village home on the saying that she would be taken to Dhaka to see her ailing mother has been corroboration by the evidence of her elder mother , the P.W.8 and Bhavi, the P.W. 9 Evidence of the P.Ws. 8 and 9 can not be disbelieved only on the ground that they are inmates of the house. Because, it only the inmates of the house who are likely to know who comes and goes out of the house. P.W. 11 Belayet Hossain’s evidence lends support to the prosecution case that he found the accused going with a girl and ¾ others on 4.7.89 at 8/8-30 P.m. Though he has not specifically named the girl as the victim, the circumstances discussed above appears sufficient to indentify the said girl as the victim. Had this witness any enmity with the accused Sadaruddin he could have very well named the said girl as the victim and as that has not been done he is to be treated as an impartial witness. Evidence of the P.W.7 is also to be considered in this regard. He has stated that Belayet and Nayan Kha told him that they found the accused Sadaruddin gount with the victim Yasmin. Though the said Nayan Kha has not been examined , Belayet Hossain, P.W. 11, has corroborated his such</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>evidence. This P.W. 7 is an elected Chairman of the Locality and there is no paper to show that he has got any rivalry with the accused. The mere suggestion that he has election dispute with the accused Sadaruddin is not sufficient for the purpose.</i></p> <p><i>Next, in the defence suffestions we find admission that on 4.7.89 in the evening, the victim was taken to Dhaka. In this connect on the defence case is that the victim was taken to Dhaka by her own brother Harunar Rashid, the P.W.10 and not by the accused Sadaruddin.</i></p> <p><i>P.W.10 Harunar Rashid has stated that reaching Dhaka on the following morning he informed his brother, the informant , that the accused Sadaruddin took the victim with him on the saying that he would bring her to Dhaka. Had he really taken the victim with him he would not have definitely given such a report to the informant. This presumption stands well cemented when it appears that on the basis of his such report the informant filed the ejahar with the Barisal Kotwali P. S. not only this but it has been also established that the accused Sadaruddin and the victim were ultimately recovered from Tejkunipara Dhaka by the Dhaka Police. In the circumstances, it may be concluded without any hesitation that the accused Sadaruddin took the victim Yasmin with him on the plea that she would be taken to Dhaka, kept her with him for 22 days and during that period he committed rape on her against her will as alleged by the victim. In other wards, it may be said that the evidence of the P.W. 5 read with the evidence of the P.Ws. 8,9 and 22 is sufficient to establish the prosecution case against the accused Sadaruddin. It, however, appears that the evidence on record does not, in any way, speak of the</i></p>

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p><i>involvements of the other accused person. Though the P.W.7 has stated that the accused Badaruddin asked him for a compromise over the matter , his such evidence is not corroborated by the evidence of any other witnesses. Hence, it does not appear safe to find him guilty in this case on such a solitary statement.</i></p> <p><i>As a result of the foregoing reasons , I think that the charge u/s 4(c) of the Cruelty to Women ( Deterrent Punishment) (Amendment) Act 1988, has been established against the accused Sadaruddin beyond reasonable doubts and that the charge u/s 4(c)/9 of the Act has not been proved against the others.</i></p> <p><i>In the result, it is.</i></p> <p style="text-align: center;"><b><u>ORDERED</u></b></p> <p><i>that the accused Sadarudding Munshi is found guilty of the Charge u/s 4(c) of the Cruelty to Women ( Deterrent Punishment) (Amendment) Act 1988 and consequently he be convicted of the same and sentenced to suffer R.I for 7(seven) years and also to pay a find of Tk. 5000/-(five thousand) only; in default, to suffer R.I. for one year more.</i></p> <p><i>The accused Shahabuddin, Badaruddin Munshi , Rani Begum, Lashim and Raham Ali are found not guilty of the charge leveled against them and they be acquitted of the same. They be also released from theirbail bonds.</i></p> <p><b><i>Dictated &amp; corrected by me</i></b></p> <div><div><i>SD/M.K. Roy</i> <i>SENIOR SPECIAL TRIBUNAL &amp;</i> <i>SESSIONS JUDGE BARISAL</i> <i>31.7.90</i></div><div><i>SD/M.K. Roy</i> <i>SENIOR SPECIAL TRIBUNAL &amp;</i> <i>SESSIONS JUDGE BARISAL</i> <i>31.7.90</i></div></div> <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</p>



ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p>দন্ডাদেশ সঠিক এবং ন্যায়ানুগ হয়েছে। অত্র আপীলটি না-মঞ্জুর যোগ্য।</p> <p>অতএব, আদেশ হয় যে, অত্র আপীলটি নামঞ্জুর করা হলো।</p> <p>সিনিয়র বিশেষ ট্রাইব্যুনাল এবং দায়রা জজ, বরিশাল কর্তৃক বিশেষ ট্রাইব্যুনাল মোকদ্দমা নং-৬/১৯৯০-এ প্রদত্ত বিগত ইংরেজী ৩১.০৭.১৯৯০ তারিখে রায় ও দন্ডাদেশ এতদ্বারা বহাল রাখা হলো।</p> <p>অত্র রায় ও আদেশের অনুলিপি প্রাপ্তির ৩০(ত্রিশ) দিনের মধ্যে আসামী-আপীলকারীকে বিজ্ঞ বিচারিক আদালত আত্মসমর্পনের নির্দেশ প্রদান করা হলো। ব্যর্থতায় বিজ্ঞ বিচারিক আদালত আসামীকে গ্রেফতারের প্রয়োজনীয় পদক্ষেপ গ্রহন করবেন।</p> <p>অত্র রায়ের অনুলিপিসহ অধস্তন আদালতের নথি সংশ্লিষ্ট আদালতে দ্রুত প্রেরণ করা হউক।</p> <p>(বিচারপতি মোঃ আশরাফুল কামাল)</p>

