

In The Supreme Court of Bangladesh
High Court Division
(Criminal Revisional Jurisdiction)

PRESENT:

MR. JUSTICE MD. SHOHROWARDI

Criminal Revision No. 501 of 2007

Md. Idris Ali

.....Convict -petitioner.

-Versus-

The State

.....Opposite party

None appears

.....For the convict petitioner.

Mr. SM Golam Mostofa Tara, D.A.G with

Mr. A. Monnan, A.A.G

... For the State

Heard on 08.02.2024, 22.02.2024, 07.05.2024

Judgment delivered on 13.05.2024.

MD. SHOHROWARDI, J.

This Rule under section 439 read with section 435 of the Code of Criminal Procedure, 1898 was issued calling upon the opposite party to show cause as to why the impugned judgment and order dated 07.03.2007 passed by the Special Sessions Judge, Court No.2, Rajshahi in Criminal Appeal No.77 of 2002 affirming the judgment and order of conviction and sentence dated 30.5.2002 passed by the Additional District Magistrate, Rajshahi in Tanore P.S. Case No.13 dated 27.4.1995 corresponding G.R. No. 447 of 1995 convicting the petitioner under section 22(ga) of the মাদক দ্রব্য নিয়ন্ত্রণ আইন, ১৯৯০ and sentencing him thereunder to suffer rigorous imprisonment for 2(two) years and a fine of Tk.500/-, in default, to suffer simple imprisonment for two months more should not be set aside and/or pass such other or further order or orders as to this Court may seem fit and proper.

The learned Deputy Attorney General Mr. SM Golam Mostofa Tara having filed a supplementary affidavit on 30.04.2024 annexed a death certificate dated 21.04.2024 issued by Md. Entaz Mollah, Panel Mayor No. 2, Tanore Pourashava, Rajshahi stated that during the pendency of the Rule the sole convict petitioner Md. Idrish Ali died on 15.03.2021. Therefore the Rule so far relates to convict petitioner Md. Edris Ali is abated in view of the provision made in section 431 of the Code of Criminal Procedure, 1898.

It reveals that the trial court also imposed a fine of Tk. 500, in default, to suffer imprisonment for 02(two) months. The fine imposed by the trial court is very negligible or small amount. Therefore, the fine of Tk. 500 award by the trial court is remitted.

In view of the above facts and circumstances of the case and proposition, the Rule so far relates to the convict petitioner Md. Edrish Ali is hereby abated and the fine of Tk. 500 is remitted.

Send down the lower court's record at once.

(MD. SHOHWARDI, J)