

Bench:

Mr. Justice Bhishmadev Chakraborty

And

Mr. Justice K.M. Rasheduzzaman Raja

Death Reference No.54 of 2019

The State petitioner

-Versus-

Md. Moshir Rahman Montu and another

..... condemned-prisoners

with

Criminal Appeal No.11982 of 2019

(Arising out of Jail Appeal 139 of 2019)

Md. Moshir Rahman Montu appellant

-Versus-

The State

.....respondent

with

Criminal Appeal No.7390 of 2019

Md. Alim Hossain Chandan alias Chanchal alias

Chandan and 2 others

..... appellants

-Versus-

The State

.....respondent

with

Criminal Appeal No.7677 of 2019

Md. Sajib Ahmed Kamal Uddin

..... appellant

-Versus-

The State

.....respondent

With

Criminal Appeal No.6330 of 2019

Nazrul Islam and another

..... appellants

-Versus-

The State

.....respondent

Mr. Syed Ejaz Kabir, Deputy Attorney General

with Ms. Mahbuba Tasnim Akhi, Mr. Ashraful

Alam, Ms. Rohani Siddika, Mr. Al Amin

Siddiqui, Assistant Attorney Generals

..... for the State
(In the reference and the appeals)

Mr. Atiqul Haque Salim with Mr. Anabilananda
Roy and Ms. Mahin Momtaz, Advocates

.....for the condemned-prisoner-appellant
(in CrI. Appeal 11982 of 2019)

Mr. Md. Hafizur Rahman Khan, Advocate

.....appointed as a State Defence Lawyer
(for condemned-convict Md. Mizanur Rahman)

Mr. SM Mahbubul Islam, Advocate

.....for the appellants
(in CrI. Appeals 7390 and 7677 of 2019)

Mr. Gazi Md. Mohsin with Ms. Anzuman Ara
Begum, Advocates

.....for the appellants
(in CrI. Appeal 6330 of 2019)

Judgment on 16.07.2026

Bhishmadev Chakraborty, J:

Learned Judge of Nari-o-Shishu Nirjatan Daman Tribunal-7, Dhaka (the Tribunal) on trial in Nari-o-Shishu Nirjatan Case 348 of 2018 found accused Moshir Rahman Montu and Mizanur Rahman alias Mizan Matubbar (absconding) guilty of offence under sections 7 and 8 of the Nari-o-Shishu Nirjatan Daman Ain, 2000 (the Ain, 2000) and sentenced each of them under section 7 of imprisonment for life with fine of Taka 50,000/- and under section 8 to death with fine of Taka 50,000/- and made this reference to this Division for its acceptance. By the same judgment the learned Judge convicted accused Rezaul Karim and Nazrul

Islam under sections 7 and 30 of the same Ain sentencing each of them to suffer imprisonment for 14 years with a fine of Taka 10,000/- and under sections 8 and 30 to suffer imprisonment for life with fine of Taka 20,000/-. Learned Judge also found accused Abdullah Al Mamun guilty of offence under sections 7 and 8 of the Ain and sentenced him under section 7 to suffer imprisonment for 14 years with of Taka 10,000/- and under section 8 of imprisonment for life with fine of Taka 20,000/-. Learned Judge further found accused Iqbal Hossain alias Shuvo, Sajib Ahmed alias Kamal Uddin, Alim Hossain alias Chandan alias Chanchal, Kawsar Mridha and Raza Mridha guilty under section 7 of the Ain and sentenced each of them thereunder to suffer rigorous imprisonment for life with a fine of Taka 20,000/- each. In default of payment of fine the convicts would suffer imprisonment for different terms.

Against the aforesaid judgment and order of conviction and sentence condemned-prisoner Moshiur Rahman alias Montu filed Criminal Appeal 11982 of 2019 while convicts Nazrul Islam and Razaul Karim filed Criminal Appeal 6330 of 2019. Convict Md. Alim Hossain alias

Chandan alias Chanchal, Md. Abdullah Al Mamun and Iqbal Hossain alias Shuvo jointly filed Criminal Appeal 7390 of 2019 and convict Sajib Ahmed alias Kamal Uddin filed Criminal Appeal 7677 of 2019. Since the reference and the appeals have arisen out of the same judgment and order of conviction and sentence, these have been heard together and are being disposed of by this judgment.

Prosecution case, in brief, is that PW1 Md. Enayat Ullah, a maternal uncle of Meraj Uddin Abir alias Meraj (the victim) lodged a first information report (FIR) with Cantonment police station at about 3:10 hours on 18.05.2015 alleging, *inter alia*, that his nephew victim was a student of *hefz* of Mohammadia Makhjanul Ulum Madrasha (the Madrasha) situated at Uttara. While the victim was returning home from Madrasha with their private car and reached near flyover of staff road of Banani at about 8:30 hours on 02.05.2015, the accused persons named in the FIR gave a signal and stopped the car. They pulled out driver Md. Wahid (PW5) and caretaker Abu Bakkar (PW6) from the car including the victim and boarding them into a microbus went towards Uttara. They blindfolded PWs 5 and 6 and pulled

down them from the microbus in front of Rajlaxmi area of Uttara and moved towards Abdullahpur taking victim Abir with them. Subsequently, accused Mizan and others make a phone call to his (informants) brother-in-law (PW8), the father of victim and confirmed that they abducted him and claimed ransom of Taka 10 crore. After bargaining it was settled at Taka 2 crore. In order to save his son, PW8 deposited Taka 1.00 crore in Mercantile Bank Limited, Taka 15 lac and Taka 8 lac in Dutch Bangla Bank Limited and Taka 50 lac to Farmers Bank Limited on 06.05.2015 in different accounts through different persons as ransom. The abductors then claimed balance amount of Taka 27 lac in cash and told PW8 to remain present in front of Kurmitola Government Hospital in the evening on 06.05.2015 with the money to release the victim. PW8 with his business partner PW7 Hafizur Rahman at about 8:45 hours on 06.05.2015 went in front of Kurmitola Government Hospital as wanted by the accused. Accused Mizan therefrom took the money in cash from him and setting the victim at liberty to him went away. But PW8 did not file any case for fear and safety of his son. Victim Abir disclosed to them that the abductors took

him to an unknown house and threatened him. At the time of conversation of the accused persons with his father (PW8) and relatives, he came to learn their names as Mizan, Razaul, Nazrul, Babar and Waliullah. PW8 filed an application to the commander RAB-1 Uttara, Dhaka for taking action and on its basis a patrol team of RAB arrested some accused and took steps for recovery of ransom money. PW27 Rafiqul Islam, a Deputy Assistant Director of RAB-1 raided in the rail line near APBN High School of Kashiabari and arrested 5 accused namely Mizanur Rahman, Razaul Karim, Nazrul Islam, Jahir Uddin Md. Babar and Shah Md. Waliullah and recovered mobile sets, ATM cards, Cheque Books and cash Taka 1.8065 crore kept in a trolley bag with them. They made a seizure at about 4.30 hours on 17.05.2015 and prepared a list of the goods. The accused who were apprehended by RAB admitted of abducting the victim and taking ransom from PW8. They also disclosed the names of other 5 accused as 1. Montu, 2. Chandan, 3. Sajib, 4. Abdullah and 5. Shuvo who were involved with them in the offence. At the event of fleeing away, the apprehended accused fell on the rail line and received injuries and they

were provided treatment. The aforesaid FIR was registered as Cantonment Police Station Case 7 dated 18.05.2015 corresponding to GR 47 under sections 7, 8 and 30 of the Ain, 2000 read with section 411 of the Penal Code against 10 accused named therein.

PW31 Md. Kabir Hossain an Inspector of police was entrusted investigation of the case. In course of investigation, he arrested some accused, forwarded three of them to record confessions, collected evidence for prosecution and submitted a charge sheet against 10 accused including the convicts under the selfsame sections of the Ain and the Penal Code but 2 accused named in the FIR and arrested with ransom amount namely Zahir Uddin Md. Babar and Shah Md. Waliullah were not sent up there. However, on a *naraji* filed by the informant, learned Judge of the Tribunal took cognizance of offence under the selfsame sections of two enactments against all the accused including the 2 who were not sent up in the charge sheet. In course of time, the Tribunal framed charges against all the accused under the selfsame sections of the two enactments on 10.09.2015. The charges so framed were read over to 9 accused then present

in the dock, to which they pleaded not guilty and claimed to be tried. The charges to accused Kawsar Mridha, Reza Mridha and Mizanur Rahman alias Mizan Matubbor could not be read over owing to their abscontion.

In the trial, the prosecution examined 31 witnesses out of 46 cited in the charge sheet. The witnesses were cross-examined by the defence. The defence case as it transpires from the trend of cross-examination of the prosecution witnesses is of innocence; that they were implicated in this falsely and and that the confessions were extracted on durace and coercion.

After conclusion of examination of the prosecution witness, learned Judge of the Tribunal examined the accused persons present in the dock under section 342 of the Code, to which they reiterated their innocence but did not adduce any defence witness. But Iqbal Hossain Shuvo, Moshiur Rahman Montu and Rezaul Karim filed written statement explaining their position as to evidence brought against them. However, learned Judge of the Tribunal found 10 accused guilty of the charges brought against them under the different sections of the Ain, 2000 and sentenced them accordingly as

hereinbefore, but acquitted 2 co-accused namely Jahir Uddin Md. Babar and Shah Md. Waliullah from the charges levelled against them.

Mr. Syed Ejaz Kabir, learned Deputy Attorney General takes us through the evidence of witnesses and other materials on record and submits that the prosecution by evidence both oral and documentary proved that victim Abir was abducted from the place of occurrence at about 8:30 pm on 02.05.2015 as stated in the FIR. The abductors demanded ransom from victim's father PW8. He deposited Taka 1.73 crore in different bank accounts of the Farmers Bank, Dutch Bangla Bank and Mercantile Bank as wanted by the abductors. He also paid Taka 27 lac in cash to the abductors in front of Kurmitola Government Hospital and was able to release his son PW9 from the custody of the abductors. The money taken by the abductors kept in a trolley bag was recovered from the possession of accused 1-5 named in the FIR including accused Mizanur Rahman in whose accounts amount of Taka 1.73 crore were deposited. The above 5 accused were arrested with total amount of Taka 1.8065 crore seized as *alamots* under a seizure. The arrested

accused persons disclosed the names of other accused and subsequently most of them were arrested. Although, there are some discrepancies in the evidence of witnesses but those cannot be termed as contradictions. The evidence of witnesses as to the abduction, payment of ransom money and recovery of victim is found corroborative. Apart from the aforesaid fact, 3 accused persons namely Mizanur Rahman, Razaul Karim and Nazrul Islam made judicial confessions which were recorded by the Magistrates complying with the formalities as were required by the law. The confessions were found true and made voluntarily. If a confession is found to be true and made voluntarily it can be the basis of conviction against its maker. The confessions of 3 accused made in this case are inculpatory and true and voluntary and under the aid of section 30 of the Evidence Act those can be used against other co-accused because circumstantial evidence on record proves that other non confessing co-accused were involved with the offence of abduction and taking ransom from victim's father. The father of the victim wanted his son alive to be released from the clutches of the abductors without any harm. He got the son 06.05.2015 as

wanted and consequently he did not find any urge in filing a case. But subsequently, when the RAB personnel arrested 5 accused persons with the ransom amount on 17.05.2015 and informed it to them then they lodged the case against the accused persons. Such delay in no way affects the merit of the case. He then pointed to the order sheet of the Tribunal and submits that confessing accused Mizanur Rahman manufactured a forged bail order and managed to release from jail and, thereafter, never appeared before the Court to face the trial. His such conduct points his guilt that he was involved with the offence. Learned Judge of the Tribunal appraised oral evidence and other materials on record and convicted and sentenced the accused persons under the provision of the Ain which may not be interfered with by this Court. The reference, therefore, be accepted and the appeals be dismissed.

Mr. Atiqul Haque Salim, learned Advocate for condemned-prisoner Moshiur Rahman Montu in Criminal Appeal 11982 of 2019 submits that in this case PWs 5 and 6 claimed them as eyewitnesses to the occurrence of abduction of the victim from the place of occurrence. They were in the

car with the victim at the material time. After getting released from the hands of the abductors near Rajlaxmi Complex area they went to the police station and met PW3 who in the meantime lodged a GDE with cantonment police station but in evidence PWs 5 and 6 did not identify appellant Khan Md. Moshiur Rahman as an abductor or his presence in the place of occurrence at the material time. RAB personnel apprehended five accused with ransom amount of Taka 1.8065 crore and handed over them to police. The accused were Mizan, Rezaul, Nazrul, Babar and Waliullah but police did not send up accused Zahiruddin Babar and Waliullah in the charge sheet as accused. Although, the Tribunal on *naraji* took cognizance against them and trial was held accordingly but finally they were acquitted. None of the witnesses identified this appellant in dock as abductor or that he claimed ransom from PW8. The conviction is solely based on the confessions made by co-accused Mizanur Rahman, Razaul and Nazrul. In the confessions, a name of one Montu was commonly mentioned. Accused Razaul in his confession told the name of one Manik alias Montu. Mizanur Rahman in his confession told it Moshiur Rahman Montu and Montu

Mama and accused Nazrul told the name as Montu. This appellant's name is Khan Mohammad Moshiur Rahman alias Moshiur and all the relevant documents in support of it was submitted in the Tribunal during his examination under section 342 of the Code but those were not taken into consideration by the learned Judge. The IO and the law enforcing agency failed to prove that this appellant was Montu as has been disclosed by the confessors. This appellant was arrested on 09.09.2015 in connection with Gulshan Police Station Case 09 dated 07.09.2015 under the provisions of the Arms Act, 1878 and was shown arrested in this case on 13.09.2015. He was taken on police remand for 2 days but nothing came out from him. No TI Parade was held to identify the accused persons charged with abduction as abductors. The confessing accused persons were forwarded to record their confessions before lodgment of the FIR as it appears from the time and date mentioned in the FIR. He finally submits that confession of co-accused is not evidence within the meaning of section 3 of the Evidence Act. To convict a person under the aid of section 30 of the Evidence Act it needs corroboration by substantive evidence which is

totally absent in this case. In such a case the appellant has already suffered in jail (pre and post trial) near about 11 years and more than 7 years in the condemned-cell. Learned Judge of the Tribunal convicted and sentenced this appellant without any legal evidence against him. The reference, therefore, would be rejected and the appeal be allowed acquitting the appellant of the charges levelled against him. In support of his submissions Mr. Salim refers to the cases of Rabindra Nath Roy alias Rabindra and another vs. State, 64 DLR (AD) 50; State vs. Shafiq and others, 43 DLR (AD) 203 and Babor Ali Mollah and others vs. State, 44 DLR (AD) 10 and relied on the principles laid therein.

Mr. Hafizur Rahman Khan, learned Advocate appointed as State Defence Lawyer for condemned-convict Mizanur Rahman alias Mizan Matubbor (absconding) adopts the aforesaid submissions made by Mr. Haque. He further submits that the confession made by this condemned-convict proves that he was arrested from Patuakhali on 17.05.2015 and was brought to Dhaka threfrom on the same day and recovery was shown to have been made from Dhaka. Informant lodged the FIR at 4:30 pm on 18.05.2015 but this

accused was forwarded to the learned Magistrate at about 11:00 am on 18.05.2015. It proves that police forwarded him to the learned Magistrate for recording his confession before lodgment of the FIR and as such the alleged confession cannot be used against him. The condemned-prisoner retracted the confession on 17.08.2015 bringing allegation of extracting it on torture of police. The prosecution did not explain the injury found on the body of the condemned-convict mentioned in the FIR which is a proof of torture. He then submits that since at the time of abducting the victim PWs 5 and 6 could not identify the abductors, and as such holding of TI parade was a must in this case which was not done. This convict was sent up in the charge sheet keeping the real offenders out of seen. In the premises above, the reference would be rejected and the condemned-convict be acquitted of the charges levelled against him.

Mr. SM Mahbubul Islam, learned Advocate for convicts Md. Alim Hossain alias Chanchal alias Chandan, Abdullah Al Mamun alias Abdullah and Iqbal Hossain alias Shuvo in Criminal Appeal 7390 of 2019 and Sajib Ahmed alias Kamal Uddin in Criminal Appeal 7677 of 2019 submits

that although PWs 1, 2 and 8 in their evidence, giving reference to the first five apprehended accused, stated that above 4 convicts were with the gang of abductors but they did not identify them specifically in the dock. He then refers to the provisions of section 60 of the Evidence Act and submits that oral evidence must be direct. PWs 1, 2 and 8 told that they saw the abductors in the police station but they did not identify these appellants to have seen them at the time of abduction. They heard from the 5 accused who were arrested with ransom amount that these appellants were with them. These appellants were arrested subsequently and nothing was recovered from them. The prosecution alleged that taka 1.8065 crore was recovered from the joint possession of accused Mizanur Rahman, Nazrul, Razaul, Waliullah and Zahir Uddin Babar. Convict Iqbal Hossain Shuvo in reply to his examination under section 342 of the Code filed a written statement stating the facts that police at the instance of his political rivals arrested him on 30.05.2015 from Sangsad Bhaban area and subsequently shown him arrested in this case. All the witnesses including the IO were cross-examined on this particular issue. He has been able to

make out a case that he was arrested long before and shown arrested in this case falsely. Mr. Islam then refers to the provisions of section 25 of the Evidence Act and evidence of PWs 26 and 28, members of law enforcing agencies, and submits that as per prosecution version arrested accused told the names of these appellants in presence of police. Such disclosure is nothing but extrajudicial confession made in presence of police which has no evidentiary value and cannot be used against these appellants. The above convictions were made against the accused in the case on the basis of confession made by co-accused Mizanur Rahman. But confession of co-accused is not evidence under section 3 of the Evidence Act. Mr. Islam finally submits that the Investigating Officer (IO) failed to bring out that Shuvo as mentioned in the FIR is Iqbal Hossain Shuvo, Alim Hossain is Chandan or Chanchal, Md. Abdullah Al Mamun is Manun and Kamal Uddin is Sajib Ahmed against whom trial was proceeded and concluded. In the premises above, there is no legal evidence against these appellants and as such they are entitled to the acquittal of the charges against them. The appeals, therefore, would be allowed.

Mr. Gazi Md. Mohsin, learned Advocate for convicts Nazrul Islam and Rezaul Karim in Criminal Appeal 6330 of 2019 adopts the submissions made by learned Advocates Mr. Salim and Mr. Islam and further submits that the confession made by the aforesaid 2 convicts are not true and made voluntarily. Moreover, if the confessions made by them are taken as true, no offence against them is disclosed therein which comes within the meaning of offence of sections 7 and 8 of the Ain, 2000. None of the appellants in their confessions stated that they took part in the abduction or took ransom from victim's father. In reply to the examination under section 342 of the Code appellant Rezaul Karim submitted a written statement stating the fact that after getting the news of victim's abduction on 02.05.2015 he drove a car of the office and took the MD of the business firm to the office of RAB-1, Dhaka. He was in the job till 11.05.2015 and withdrew his salaries from office. But the informant party handed him over to the RAB personnel on 11.05.2015 and extracted a confession from him as wanted by them. He wanted over time for the drivers of the business firm and filed application to PW8 which resulted his false

implication in the case. Since the confessions of Nazrul Islam and Razaul Karim both were extracted on 18.05.2015 keeping both of them in RAB custody for several days, and as such those cannot be treated as true and made voluntarily. Moreover, after their arrest they were never enlarged on bail. In such a case they had been in custody for last 10 years and were released on bail on 30.04.2025 by a bench of this Division. He then refers to the case of Shah Alam and others vs. the State, 42 DLR (AD) 31 and relied on the principle laid therein that examination of an accused under 342 of the Code is meant for giving an opportunity to explain the circumstances appearing against him in the evidence adduced by the prosecution. The statement given during such examination is entirely for the benefit of the accused. The Court is to address the statement in reply, if any in the judgment, which is totally absent in this case. He then refers to the case of Safder Ali vs. The Crown, 5 DLR (FC) 107 and submits that in a criminal case it is the duty of the Court to review the entire evidence that has been produced by the prosecution and the defence. If after examination of the whole evidence, the Court is of the opinion that there is a

reasonable possibility that the defence put forward by the accused might be true it is clear that such a view reacts on the whole prosecution case. In these circumstances, the accused is entitled to the benefit of doubt, not as a matter of grace, but as of right because, the prosecution has not proved the case beyond reasonable doubt. In view of the above position of fact and law, the conviction and sentence passed against these appellants cannot be sustained in law. They are entitled to the acquittal.

To address the submissions of the learned Deputy Attorney General, the learned Advocate appointed as a State Defence Lawyer and the Advocates for the appellants and to dispose of the reference as well as the appeals, let us have a bird's eye view on the evidence of prosecution witnesses.

PW1 Md. Enayat Ullah, informant and uncle of the victim in evidence supports the fact as stated in the FIR. He further stated that when the victim was returning home from Madrasha accompanied by PWs 5 and 6 and reached under Banani flyover at about 8:30 pm on 05.05.2015 accused Mizanur Rahman, Razaul Karim, Nazrul Islam, Moshiur Rahman, Jahir Uddin Babar, Shah Md. Waliullah, Iqbal

Hossain Suva, Shajib, Chandan and Abdullah Al Mamun and other unknown accused gave a signal and stopped the car. Then and there they pulled out driver Wahid (PW5) and caretaker Abu Bakar (PW6) and victim from the car. They blindfolded PWs 5 and 6 and boarded them with victim into a microbus and went towards Uttara. On the way they dropped PWs 5 and 6 in front of Rajlaxmi Complex and taking the victim with them moved towards Abdullahpur. They subsequently demanded Taka 10 crore as ransom from victim's father PW8 and threatened to kill the victim. Accused Mizanur Rahman demanded ransom on behalf of all the accused. The informant paid Taka 1.73 crore in different bank accounts as supplied by the accused. His brother-in-law and his business partner Sachchu carried Taka 27 lac in cash and paid it to accused Razaul, Nazrul, Mizanur and Moshiur in front of Kurmitola Hospital at about 6:30 pm on 06.05.2015 and they handed over the victim to PW8. The RAB personnel arrested accused Mizanur Rahman, Razaul Karim, Nazrul Islam, Jahir Uddin Babar and Shah Md. Waliullah from rail line situated at Kashaibari and they disclosed the names of other accused. The RAB recovered

Taka 1.8065 crore from them and returned the same to them through proper authority. He went to the police station at night and thereafter lodged the FIR. He proved the FIR exhibit-1 and the *jimmanama* of recovered amount exhibit-2. In cross-examination by accused Iqbal Hossain alias Shuvo, he stated that accused Mizanur Rahman made a phone call to PW8 and demanded ransom. They deposited Taka 1.73 crore in different bank accounts and those accounts were maintained by Mizanur Rahman in the name of Karnaphuli Enterprise. He did not go in front of Kurmitola hospital at the time of payment of Taka 27 lac in cash. He heard that some accused were apprehended on 17.05.2015 with money. For the first time he saw the accused in the RAB office. In cross-examination for Alim Hossain and Abdullah Al Mamun he denied the suggestion that Alim Hossain was not Chandan and both of them were not involved with the offence. In cross-examination for accused Nazrul he denied the suggestion that he had enmity with PW8 and for that reason he was falsely implicated in the case. In reply to cross-examination for Razaul Karim he stated that accused Razaul Karim was a driver of his brother-in-law's business firm. He

was in job upto 11.05.2015. He could not say whether RAB apprehended Rezaul while he was in office. He denied the defence suggestion that he was kept in RAB office for 7 days and thereafter made accused in this case falsely. In cross-examination for Mizanur Rahman he stated that he did not witness this accused to commit the offence.

PW2 Kabir Ahmmed, Assistant General Manager of the Department of Human Resource of PW8's business firm in evidence stated the similar fact of abducting the victim by the accused persons in the time and day as stated in the FIR. He further stated that PW3 made a GDE with Cantonment police station. The abductors sent a letter and a SIM card of mobile phone to the father of victim and told him to keep communication with them with the SIM supplied by them. They claimed Taka 10 crore to PW8 as ransom. After bargaining it was settled at Taka 2 crore. Out of that amount Taka 1.73 crore were deposited in the Farmers Bank, Dutch Bangla Bank and Mercantile Bank. He himself deposited Taka 50 lac in Mercantile Bank. PW4 Sindhumay deposited Taka 50 lac and Hafizur Rahman, another employee deposited Taka 50 lac and one Reza deposited Taka 15 lac

and 8 lac to Dutch Bangla Bank in the accounts of Mizanur Rahman. PW8 and Mizanur Rahman Sacchu paid Taka 27 lac to accused Mizanur Rahman in cash on 06.05.2015 in front of Kurmitola Hospital and recovered the victim. On the basis of a complaint of PW8, RAB 1 at about 4:30 am on 17.05.2015 apprehended accused Mizanur Rahman, Razaul, Nazrul, Jahir Uddin Babar and Waliullah and recovered Taka 1.8065 crore from them and at their admission RAB arrested other co-accused subsequently. In cross-examination by Iqbal Hossain Shuvo and Kamal Uddin Sajib he stated that he viewed the news broadcast in the television and came to learn that the accused persons were involved with the offence. In cross-examination by accused Nazrul he denied the suggestion that Nazrul had disagreement with PW8 for increasing salaries and for that reason he was implicated in the case falsely. In cross-examination for Razaul, he stated that he could not remember whether this accused drew salary from office on 10.05.2015. He did not know whether the RAB personnel arrested the accused on 11.05.2015. He denied the suggestion that the accused was not involved with the alleged offence.

PW3 Ahsan Ullah, a manager of PW8's business firm who made a GDE with Cantonment police station about abduction of the victim stated the similar facts as stated by PWs 1 and 2 in evidence. He further stated that he lodged the GDE bearing No.68 on 02.05.2015 with Cantonment police station. At the same time PWs 5 and 6 went to the police station and he came to learn from them about the occurrence of abduction. He stated that abductors talked to PW8 on 06.05.2015 and settled that PW8 would pay in total Taka 2 crore as ransom. Accordingly they deposited Taka 1 crore to Mercantile Bank, Mohakhali Branch in the name of Karnofulli Enterprise and Taka 50 lac in Farmers Bank, Gulshan Branch; Mamun Raza deposited Taka 23 lac to Dutch Bangla Bank in the account maintained by accused Mizanur Rahman. Subsequently, PW8 paid Taka 27 lac to the accused in cash in front of Kurmitola General Hospital and took the victim released from them. PW8 made a phone call to him on 17.05.2015 and then they with PWs 4 and 8 went to RAB-1 Uttara Office. They found there that RAB arrested 5 accused namely Mizanur Rahman, Razaul Karim, Nazrul Islam, Jahir Uddin Babar and Shah Waliullah from

Kashaibari area who admitted that they committed the offence and accused Montu, Chanchal, Sajib, Abdullah and Shuvo were with them. Then they went to Cantonment police station and the informant lodged the FIR. He was a witness to the seizure exhibit-4. The car was given in his *jimma* through exhibit-5. He identified accused Mizanur, Rezaul, Nazrul, Jahir Uddin, Babar and Waliullah in the dock. In cross-examination for Iqbal Hossain Shuvo and Kamal Uddin Sajib he stated that he went to the Cantonment police station on 17.05.2015 and found the accused persons apprehended there. He did not witness arrest of the accused. In cross-examination for Razaul Karim he stated that he did not know about any disagreement of PW8 with this accused for payment of salary. He denied the suggestion that this accused was arrested on 11.05.2015 by RAB and he was implicated in this case falsely because of the fact that he claimed payment for overtime work of the drivers. In cross-examination for Nazrul he denied the suggestion that he was implicated in the case falsely because he claimed for increasing their salaries. He further denied that there was no accused named Alim Hossain alias Chanchal or Chandan. He

denied of implicating the accused persons in this case falsely. In cross-examination for Mizanur Rahman he denied the suggestion that nothing was recovered from him. In cross-examination for Moshiur he denied that nothing was recovered from him or that he was not involved with the alleged offence.

PW4 Sindhumoy Debnath, DGM of PW8's business firm stated in the similar line of PWs 1, 2 and 3. He stated that after victim's release he (PW4) asked the victim about the abductors. The victim stated that during conversation over telephone he came to learn the names of Mizanur, Nazrul, Babar and Waliullah. He further stated that RAB personel apprehended 5 persons from Kashaibari and recovery of taka from them. The arrested accused persons disclosed the names of Montu, Sajib, Chandan, Abdullah and Shuvo who were involved in the offence. In cross-examination by accused Iqbal Hossain Shuvo and Sajib Ahmed Kamal Uddin he stated that at about 4:30 am on 17.05.2015 he was at home. He went to RAB office at about 5:00 am. He was not present while the informant's father talked to the abductors over mobile phone. He was a witness

to the seizure of ransom money and he put his signature in the list at RAB office. He denied the defence suggestion that he made false statement regarding the occurrence dated 06.05.2015 and 17.05.2015. In cross-examination for accused Moshiur he denied the suggestion that Moshiur was not involved with the alleged offence. In cross-examination for Nazrul he denied the suggestion that he had disagreement with PW8 regarding payment of salary and he was implicated in the accused falsely. In cross-examination for Razaul Karim he denied the suggestion that the accused was not involved in the alleged offence and that he had a dispute with PW8 because he demanded increasing of salary. He saw the accused in the RAB office on 17.05.2015. In cross-examination for Mizanur Rahman, he denied the suggestion that deposition of money in the account of this accused was false or that he was implicated in the case falsely.

PW5 Md. Wahiduzzaman, driver of the car from which the victim was abducted, in evidence stated the facts of abducting the victim from under the flyover of the staff road at about 8:30 pm on 02.05.2015. He further stated that when they reached the place of occurrence, some terrorists

presenting them as DB Officials wearing dress of DB put signal and stopped their car. They told them to open the door but he asked them why they stopped the car. They tagged them (PWs 5 and 6) as men of terrorist group and told that they had information. They pulled out them from the car, boarded them into a microbus and took the victim into the car which he was driving. After boarding them into the microbus the abductors put black sunglass on their (PWs 5 and 6) eyes covered with black scotch tape. They tied their hands, took away their mobile phones and left them near Khilkhat area. After a few moments caretaker Siddique untied his hands and put off the sunglass from his eyes. Then they went to Khilkhat police station but the duty officer referred them to Cantonment police station for taking steps. They went to Cantonment police station and found Manager Ahshan Ullah (PW3) there who had already lodged a GDE. PW 3 told them that they informed the fact to PW8 and that the abductors claimed Taka 10 crore as ransom. Subsequently, after bargaining it was fixed at Taka 2 crore and they deposited Taka 1.73 crore in the bank accounts of the abductors and paid Taka 27 lac in cash in front of

Kurmitola General Hospital and brought back the victim with them. RAB apprehended five accuseds namely Mizan, Nazrul, Razaul, Babar and Waliullah on 17.05.2015. The apprehended accused told names of Montu, Chandan, Sajib, Shuvo and Abdullah as their accomplices who were apprehended subsequently. The maternal uncle (PW1) of the victim thereafter lodged the case. He identified all the accuseds in the dock. He proved the seizure list exhibit-8 and black scotch tape material exhibit-I. In cross-examination by accused Iqbal Hossain Shuvo and Kamaluddin Sajib he stated that at the time of occurrence he was in the driving seat. Victim and caretaker were sitting in the back seat. He denied of not depositing Taka 1.73 crore in the bank accounts. He was in his office in the afternoon on 06.05.2015. He did not see to pay Taka 27 lac to the abductors and releasing the victim from their custody. He was at home at about 4:00 am on 17.05.2015. He went to his house from office at about 08:30 pm. He stated that in Dhaka City there are so many men named Shuvo and Sajib. He denied the defence suggestion that accused Shuvo, Chandan, Abdullah and Sajib were not accused as claimed by the

prosecution. In cross-examination for accused Nazrul he denied that RAB Officials released PW5 in the *jimma* of this accused. In cross-examination for accused Razaul he stated that he was an employee of PW8's business firm and accused Razaul was a driver there. He denied the defence suggestion that in a previous occasion PW8 had torn an application filed by this accused praying for getting overtime payment.

PW6 Md. Abu Bakkar alias Md. Abu Bakkar Siddique, a caretaker of PW8 who used to stay with the victim on his way to Madrasha by private car. He stated similar facts as stated by PW5 as to the abduction of the victim from their car, taking both of them by the abductors and dropping them near airport road. Subsequently, he went to the Cantonment police station and found that PW3 had already lodged GD Entry there. He further deposed that the father of victim on 06.05.2015 deposited Taka 1.73 crore in different bank accounts as wanted by the accused. He stated that on 06.05.2015 Taka 27 lac was paid to the abductors and victim was handed over to his father. Subsequently, he came to learn from Ahsanullah (PW3) on 17.05.2015 that RAB apprehended accused Mizan, Razaul, Nazrul, Babar and

Waliullah and Taka 1.8065 crore was recovered from them and as per their disclosure they arrested accused Montu, Chandan, Abdullah, Sajib and Shuvo. He was a witness to the seizure of black sunglasses which was wrapped with black scotch tape exhibit-8. He identified the accused persons in the dock. In cross-examination for Iqbal Hossain Shuvo and Kamal Uddin alias Sajib he stated that he started job in the office of victim's father in 2012. His duty was to drop-off the victim into Madrasha and pick-up therefrom. He himself untied his hands and removed the sunglasses and found the driver (PW5) nearby. After passing of 10 minutes he opened the ties of PW5. They went to the police station at first. He told the fact to PW3 Ahsanullah. The IO examined him. He denied all other material suggestions put to him. In reply to the cross-examination by Mizanur, Kawsar and Rezaul. He stated that he did not witness accused Rezaul Karim at the time of occurrence on 02.05.2015. He denied the suggestion that accused Rezaul took him to the RAB office on 02.05.2015. Rezaul Karim might have worked in the office of PW8 upto 11.05.2015. He did not know whether accused Rezaul was arrested on 11.05.2015 from office. He could not

say whether victim's father handed over accused Razaul to RAB. He did not know whether the drivers including Razaul Karim had claimed over time to PW8. He denied the suggestion that for the aforesaid reason PW8 handed him over to RAB. He denied that accused Moshir Rahman was not involved in the occurrence. He also denied the suggestion of accused Alim Hossain alias Chanchal that he was not involved in the offence. He further denied the suggestion for accused Nazrul that he made Nazrul accused in the case due to enmity with PW8.

PW7 Md. Hafizur Rahman, a business partner of victim's father stated that he found the alleged car on the way near RAJUK College. He deposited Taka 50 lac to Farmers Bank, Gulshan Branch as wanted by the abductors. He paid Taka 27 lac to Mizanur Rahman on 06.05.2015 to release the victim. There he found Mizanur Rahman, Razaul, Babar and others. In cross-examination for Iqbal Hossain Shuvo and Kamal Uddin Sajib he stated that he did not witness how the victim was abducted. He denied of deposing falsely at the instruction of the victim's father. In cross-examination for Rezaul Karim he stated that he was with victim's father on

06.05.2015. Mizanur and others came to the place with Abir, they took the money and handed over the victim to PW8.

PW8 Shahadat Hossain Shamim, father of the victim stated in the similar line of PWs 1, 2, 3, 4, 5 and 6. He further stated that at his instruction PW3 lodged a GD Entry with Cantonment police station. He took copy of a GD Entry and went to the office of RAB-1. While he was in the RAB office, he received a mobile phone call in which the abductors informed him whereabouts of the victim and demanded Taka 10 crore from him. The abductors later on sent a letter and a SIM card to him on 06.05.2015 directing to use it to talk to them. His office received a similar nature of letter at about 11:00 am on 06.05.2015 with a SIM card of mobile phone. He started operating the SIMs supplied by the abductors and according their instruction deposited total Taka 1.73 crore to different bank accounts as supplied by the abductors. They also told him to take cash Taka 27 lac and to go in front Kurmitola General Hospital where they will hand over the victim. He and PW7 went there, paid Taka 27 lac to them and they handed over the victim to them. He did not proceed with the matter after recovery of his abducted son.

Subsequently, they came to learn from RAB-1 on 17.05.2015 that they have arrested some accused persons and recovered Taka 1.8065 crore from them and at his instruction the Cantonment police station case was filed on 18.05.2015. He came to learn later on that accused Mizan, Razaul, Nazrul, Babar, Chandan, Sajib and Shuvo were arrested. He proved the seizure of mobile phone and letters through exhibit-7 and the slips of the banks showing deposit of Taka 1.73 crore. He always talked to accused Mizan and the money was recovered from the account named Karnafully Enterprise maintained by accused Mizan. In cross-examination by Iqbal Hossain alias Shuvo he stated that the money was deposited in the name of Karnafully Enterprise. After deposition of money the abductors had informed him that Taka 27 lac was to be paid in cash. Accused Mizan told that if they take shelter of law enforcing agencies, his son will be affected. Commander Abdur Razzak took him with his son into RAB Office on 17.05.2015. He saw 5 accused apprehended there. He told his brother-in-law at noon on 18.05.2015 to lodge the FIR. He denied the defence suggestions that Iqbal Hossain Shuvo and Kamal Uddin Sajib were not involved in the

alleged offence. In cross-examination for Razaul he stated that he went to RAB Office with driver Razaul on 02.05.2015. Razaul attended office later on. He could not tell whether Razaul withdrew salary from his office on 10.05.2015. He saw Razaul in the RAB Office on 17.05.2015. He denied the defence suggestion that Razaul and other drivers demanded payment of overtime and for it the case was planted against him. He denied the defence suggestion that while Nazrul claimed for increasing salary, there was an altercation with him and consequently he (PW8) implicated him in this case falsely.

PW9 Meraz Hossain Abir alias Meraz, the victim stated that while he was returning home from Madrasha accompanied by PWs 5 and 6, some unknown miscreants at about 8:30 pm on 02.05.2015 halted their car in cantonment area. They pulled out them from the car and told him that they would take him to his parents. After taking him into a separate car they gave him chips and after eating chips he fell asleep. After wokeup from sleep he found him into a house. He started crying while the abductors gagged his mouth and tortured him. They used to supply him milk and after taking

the same he slept. They demanded money from his father but one day they handed over him to his father. He made statement to the Magistrate. He proved his statement exhibit-9. In cross-examination for Iqbal Hossain Shuvo and Kamal Uddin Sajib he denied all material suggestions put to him.

PW10 Zia Uddin Ahmed, a Senior Vice President of Farmers Bank of Gulshan Head Office stated that accused Mizanur Rahman as owner of Karnafully Enterprise and his men withdrew Taka 50 lac from their branch through a cheque. Subsequently, the law enforcing agency on 29.05.2015 seized the cheque from their office. He proved the seizure exhibit-10. PW11, Abu Yousuf Md. Abdullah Harun, a Senior Vice President of Mercantile Bank stated that accused Mizanur Rahman through cheque withdrew Taka 1 crore from his account of Mercantile Bank, Banani Branch. Police made a seizure; seized the cheque on 07.05.2015 under seizure exhibit-11. PW12 Mohammad Mojadded Ahmed, Assistant Vice President of Mercantile Bank Dilkusha, Dhaka was also a witness to the seizure of cheque exhibit-11. PW13 Md. Nasir Uddin, Vice Prescient of Mercantile Bank Head Office stated that in the account

Mizanur Rahman, owner of Karnafully Enterprise Taka 50 lac was disbursed to their bank on 06.05.2015. The document of disbursement was seized by police under seizure exhibit-12. PW17 Ibnul Hasan, an employee Dutch Bangla Bank, Banani Branch stated that accused Mizanur Rahman withdrew Taka 15 lac and 8 lac through two different cheques on 14.05.2015 from their branch. Police seized cheques through seizure under exhibit-16. PW18 Md. Abul Kalam Azad, a Vice President of Dutch Bangla Bank, Head Office, Tejgaon stated that accused Mizanur Rahman from Banani Branch of Dutch Bangla Bank withdrew Taka 15 lac and 9 lac by 2 cheques on 14.05.2015 under seizure exhibit-18. PW19 Md. Habibur Rahman, another officer of Dutch Bangla Bank, Patuakhali Branch stated that the accused opened a bank account with Dutch Bangla Bank Patuakhali, Branch in the name of his business firm. Police seized those documents on 05.07.2015 under a seizure exhibit-17. PW20 Dipankar Paul, Senior Officer of Dutch Bangla Bank, Barishal was also a witness to the seizure of documents exhibit-17 related with opening of account of accused Mizanur Rahman in his branch. PW21 Syed Kaniz Fatema,

Principal Office of Farmers Bank, Gulshan Branch stated that accused Mizanur Rahman in the name of his firm withdrew Taka 50 lac from their branch. The cheque was seized by police on 27.05.2015 under a seizure exhibit-10. PW22 Md. Monirul Hoque, Principal Office of Farmers Bank, Sherpur stated that in their branch Taka 50 lac was deposited. Police personnel seized the documents related with the account on 05.07.2015 under seizure exhibit-18. PW23 Md. Moslem alias Mosleh Uddin, Principal Officer of Mercantile Bank was also a witness to seizure exhibit-12. PW24 Md. Rashadul Fardous Khan, another Senior Executive, Farmers Bank Limited was a witness to the seizure of relevant documents under exhibit-18.

PW14 Md. Asaduzzaman Noor, an Additional Metropolitan Magistrate posted to Dhaka Metropolitan Magistracy at the material time recorded the confession of accused Nazrul Islam. He stated that he recorded the statement of the accused complying with the provisions as were required by the law. He proved the confession exhibit-13 and his signatures thereon. In cross-examination for accused Nazrul he stated that he recorded the statement on

the photostate copy of the form due to its shortage. The accused made the statement voluntarily. The accused was not in police remand. He denied the suggestion that at 11:00 am on 18.05.2015 he was in his Court. He denied that in recording the confession he did not comply with the provisions of sections 364 and 164 of the Code.

PW15 Md. Maruf Hossain, a Magistrate of Dhaka Metropolitan Magistracy recorded the confession of accused Razaul Karim under section 164 of the Code. He stated that at the time of recording the confession he found the accused physically well. He allowed him enough time for reflection. The accused made confession voluntarily. He recorded the statement exhibit-14. In cross-examination for Razaul he stated that he did not write in the form whether Kabir Hossain Talukder was an Inspector of GRO section or of police. Police Inspector of Cantonment police station produced the accused before him. He did not write the memo number in the confession. He did not ask him (accused) questions prescribed in clulum-6 about the result of making confession. He received the accused at about 12:30 pm on 18.05.2015. He denied the defence suggestion that in

recording the confession he did not comply with the provisions of sections 164 and 364 of the Code.

PW16 Maher Nigar Suchana, a Judicial Magistrate, First Class recorded the statement of victim Abir Hossain under section 22 of the Ain, 2000. He proved that the statement exhibit-15. In cross-examination by the defence she denied the suggestion of not recording the statement in compliance of the law.

PW25 Shahariar Mahamud Adnan, a Judicial Magistrate who was posted to the Dhaka Metropolitan Magistracy at the material time recorded the confession of accused Mizanur Rahman on 18.05.2015 under section 164 of the Code. He stated that before recording his statement he allowed 3 hours time to the accused for reflection. He proved the statement of accused Mizan exhibit-19 and identified his signatures thereon. In reply to the cross-examination for accused Mizan he stated that he received the accused at 1:00 pm on 18.05.2015 and started recording his statement at 4:20 pm. He could not remember whether he was in the Court from 1:00 pm to 4:20 pm. The accused was under the custody of his office peon for 3 hours. Inspector Kabir

Hossain produced the accused before him. At the time of recording confession, the accused was not hand cuffed. In cross-examination for accused Moshir Rahman he denied the suggestion that accused Mizan did not tell the name of accused Montu to him. In cross-examination for Iqbal Hossain alias Shuvo and Kamal Uddin Sajib he denied the suggestion that accused Mizan did not tell him the names of Iqbal Hossain and Kamal Uddin Sajib as their accomplices. He further denied that accused Mizan did not tell him that accused Rezaul and Nazrul were with them.

PW26 Md. Yousuf Ali, a RAB personnel and the member of the raiding party who apprehended 5 accused from rail line of Kashaibari area. He stated that they suspected and arrested accused Mizanur Rahman, Rezaul, Waliullah, Jahiruddin Babar and Nazrul Islam and recovered a trolley bag from them with Taka 1.8065 crore. They also recovered mobile phone set, ATM card of different banks and in presence of witnesses made a seizure and prepared a list. On interrogation the accused persons disclosed the names of accused Shuvo, Sajib, Montu, Chandan and Abdullah as their accomplices. They handed over the victim

to police of cantonment police station. In cross-examination by Mizan, Kawsar, Rezaul and others he stated that they apprehended the accused persons after 14 days of occurrence. He did not put his signature in the seizure of cheque books and other documents. In cross-examination for Shuvo he stated that all other accused except the apprehended 5 fled away. They went to the Cantonment police station at about 6:00 am on 18.05.2015. He denied all other material suggestions put to him.

PW27 Md. Rafiqul Islam, a member of the raiding party stated in the similar line of PW26 about apprehending of accused Mizanur Rahman, Rezaul Karim, Nazrul Islam, Jahir Uddin Babar and Waliullah and recovery of Taka 1.8065 crore from them. He also supported the seizure of mobile phone set, cheque books, ATM cards of different banks from the apprehended accused. In cross-examination for Rezaul and Nazrul he stated that he did not know whether Rezaul was a driver and Nazrul was an electrician in the business firm of victim's father. He did not know whether accused Nazrul and Rezaul did job in the office upto 11.05.2015. He denied the defence suggestion that they

arrested accused Nazrul and Rezaul on 11.05.2015 from their office and shown them arrested in this case on 17.05.2015.

PW28 Md. Mojahidul Islam, a member of the raiding party deposed in the similar line of PWs 26 and 27. PW29 Md. Abdul Aziz, another member of the raiding party deposed in the similar line of PWs 26, 27 and 28. He denied all other material suggestions put to him by the defence. PW30 Sawpan Kumar Das was tendered by the prosecution and defence declined to cross-examine him.

PW31 Md. Kabir Hossain, Investigating Office (IO) deposed supporting the prosecution case. He visited the place of occurrence, prepared sketch map with index, seized *alamots*, interrogated the accused persons and forwarded accused Mizanur Rahman, Rezaul Karim and Nazrul Islam to the learned Magistrates for recording their confessions under section 164 of the Code. In the confessions the confessing accused persons disclosed the names of Moshiur Rahman Montu, Alim Hossain alias Chanchal alias Chandan, Sajib Ahmed alias Kamal Uddin, Abdullah Al Mamun, Iqbal Hossain alias Shuvo, Kazol, Mukul, Shahed, Reja and Kawsar that they were involved in the offence. Subsequently,

he arrested Moshir Rahman Montu, Alim Hossain alias Chanchal alias Chandan, Abdullah Al Mamun, Sajib Ahmed alias Kamal Uddin, Iqbal Hossain alias Shuvo through the help of RAB. He failed to collect information about accused Kazal, Mukul, Shahed and Raja and they were not sent up in the charge sheet. He did not send up Jahir Uddin Babar and Shah Md. Waliullah in the charge sheet as accused and submitted a charge sheet under relevant sections of the Ain, 2000 against 10 accused on 27.05.2015. He proved the sketch map exhibit-21, index exhibit-23 and seizure of materials and identified the accused in the dock. In cross-examination by the defence he stated that the occurrence took place in 3 different places but in the FIR only one place of occurrence was mentioned. In the FIR he did not find the names of Iqbal Hossain alias Shuvo and Kamal Uddin alias Sajib but in the *ejahar* the names of Shuvo and Sajib was written without mentioning their father's name. There is an over writing in the time of lodgment of the FIR. He denied the defence suggestions that none of the witnesses mentioned the names of accused Iqbal Hossain Shuvo and Kamal Uddin Sajib. He denied that Iqbal Hossain Shuvo and Kamal Uddin

Sajib who were sent up for trial were not Shuvo and Sajib as mentioned in the FIR. He denied the suggestion that Shuvo was found missing on 13.05.2015 from his village home situated at Kishoregonj and his father subsequently lodged a GD Entry with Pakundia police station on 27.05.2015. He did not know whether father of Shuvo lodged complaint with RAB-4 Kishoregonj on 03.06.2015 or whether any missing news was published for him. He denied the defence suggestion that RAB personnel arrested accused Shuvo from Sangsad Bhaban area long before and he was shown arrested in this case on 29.09.2015. He did not hold any TI parade for identification of the accused. He stated that a GDE was tagged with the FIR but it was not mentioned in the CD. He did not collect any complain of victim's father. In the statement of accused Nazrul and Rezaul it is found that they were arrested at 4:00 and 11:30 hours respectively on 17.05.2015. He did not prepare sketch map of the playground of Mohakhali DOHS where accused Nazrul and Rezaul allegedly identified the victim to accused Mizan and Montu. He did not know whether victim's father PW8 handed over

accused Rezaul and Nazrul to RAB on 11.05.2015. He denied all other material suggestions put to him.

These are all evidence of prosecution witnesses.

We have considered the submissions of the learned Deputy Attorney General, the learned Advocate appointed as a state defence lawyer and the learned Advocates for the appellants and gone through the evidence and other materials on record.

It appears that out of 31 prosecution witnesses PW1 Md. Enayatullah is the uncle of the victim who lodged the FIR; PWs 2 Kabir Ahmed, 3 Ahsan Ullah and 4 Sindhumoy Debnath are the officers of the business firm of victim's father. PW 5 Md. Wahiduzzaman is the driver of the car in which the victim was returning home from Madrasha, PW6 Md. Abu Bakkar is the caretaker of victim who used to accompany the victim at the time of commuting victim to Madrasha and he was with the victim at the time of abduction, PW7 Md. Hafizur Rahman is the business partner of victim's father, PW8 Shahadat Hossain Shamim is the father of the victim and PW9 Md. Meraj Hossain Abir alias Miraj is the victim. PWs 10, 11, 12, 13, 14, 17, 18, 19, 20,

21, 22, 23 and 24 are the different bank officials of the banks related to the opening of the bank account, deposition of Taka 1.73 crore by the informant party and alleged to have been withdrawn by accused Mizanur Rahman and they are witness to the seizure of the documents related to those. PW13 Asaduzzaman Noor, is the Judicial Magistrate who recorded the confession of convict Nazrul; PW15 Maruf Hossain is another Judicial Magistrate who recorded confession of convict Razaul Karim; PW25 Shahariar Md. Adnan is a Judicial Magistrate who recorded the confession of convict Mizanur Rahman and PW16 Maher Nigar Suchana is the Judicial Magistrate who recorded the statement of victim under section 22 of the Ain, 2000. The other witnesses are RAB and police personnel who were the members of raiding party and apprehended 5 accuseds and recovered Taka 1.8065 crore from them and seized some *alamots* and PW31 is an Inspector of Police who investigated the case and submitted a charge sheet.

Among the prosecution witnesses PWs 5 and 6 were with the victim at the time of his abduction from the first place of occurrence. They witnessed the occurrence of

abduction but the abductors subsequently blind folded them with sunglass covered by black scotch tape and left them near Rajlaxmi Complex of airport road. If convicts Rezaul and Nazrul, the employees of the business firm of PW8 were with the abducting team on 02.05.2015 and remained present there, PWs 5 and 6 having been also employee of the same firm surely could have recognized them but they did not tell their names before deposing in the Court as witness. They did not tell before that they have seen them in the place wherefrom the victim was abducted. PW7 although in his evidence stated that he was with PW8 at the time of payment of Taka 27 lac in cash in front of Kurmitola General Hospital and he saw Razaul and others with Meraj but such evidence is not believable because Razaul being an employee of PW8 surely will not go in front of Kurmitola Hospital to take money and hand over the victim to him. The aforesaid evidence of PW7 is found nothing but embellishment and against the truth and not corroborated by PW8.

It has come out in the evidence of prosecution witnesses that a team of RAB apprehended 5 accused namely Mizanur Rahman, Nazrul, Razaul, Babar and Waliullah from

a rail line near Kashaibari area and they disclosed the names of other 5 accused. If the above evidence is taken as true, their statements in front of RAB and police are to be considered as extrajudicial confession. It is settled position of law that extrajudicial confession made in presence of police even in front of a dafadar shall not be used against the accused to find them guilty as per the provisions of section 25 of the Evidence Act. Therefore, the statements, if any, made by the apprehended accused as deposed by prosecution witnesses, cannot be used against other co-accused namely Moshiur Rahman Montu, Md. Alim Hossain Chandan alias Chanchal, Kamal Hossain Sajib, Md. Abdullah Al Mamun and Md. Iqbal Hossain alias Shuvo. It is further found that out of 5 persons, who were apprehended from rail line of Kashaibari area with Taka 1.8065 crore, two of them namely Babar and Waliullah were not sent up in the charge sheet. Although trial was held against them on a *naraji* but on trial the above 2 were acquitted from the charges levelled against them, therefore, subsequently apprehended Moshiur Rahman Montu, Alim Hossain alias Chanchal alias Chandan, Iqbal Hossain Shuvo, Shajib Ahmed Kamaluddin, Md. Abdullah

Al Mamun having better footing than that of those two cannot be convicted without having any direct evidence against them. It may be stated here that direct oral evidence of witness as required under section 60 of the Evidence Act is totally absent in this case.

Therefore, it remains only 3 confessions made by accused (i) Nazrul Islam who was an employee of PW8 and an electrician, (ii) Razaul Haque who was the driver of PW8's business firm and (iii) Mizanur Rahman alias Mizan Matubbar. We have gone through the confessions made by the above named convicts. The confessions appear to have been recorded in compliance with the provisions of law. The question in columns 5 were put to the confessors to understand the result of making confessions and in column 6 the answers were written by asking them questions. The satisfaction of the learned Magistrates about truth and voluntariness of those have been written in the form of confessions. The evidence of PWs 14, 15 and 25, the Magistrates who recorded the confessions of Nazrul, Razaul and Mizan respectively found corroborative to the confessions. We find nothing to disbelieve the truth and

voluntariness of the confessions made by them. We find no substance in the submissions made by learned Advocates for the appellants Mizanur Rahman, Nazrul and Rezaul that they were forwarded to the learned Magistrates for recording confessions before filing of the case because the FIR was registered at about 4:30 hours on 18.05.2015 meaning 4:30 am but the accused were forwarded to the learned Magistrate afterwards.

Now let us examine whether by the confessions the convicts implicated themselves in the alleged offence and other co-accused can be convicted with the aid of those under section 30 of the Evidence Act. In the confessions of accused Nazrul and Rezaul it is found that they disclosed that they only identified the son of the accused in the playground of DOHS long before and there was an oral agreement between the abductors and them that if the abductors succeeds, in that case they would pay 30% of the ransom amount to them. The confessions of them are quoted below.

Nazrul's confession-

“আমি নজরুল ইসলাম। আমি অভিযোগকারীর অফিসের ইলিকট্রিশিয়ান। আমার অফিসের ড্রাইভার রেজাউল করিমকে আমি রাজার সাথে পরিচয় করিয়ে দেই। রাজা আমাদেরকে শাহেদের কাছে নিয়ে যায়। শাহেদ আমাকে ও রেজাউলকে

মন্টু নামক এক লোকের কাছে নিয়ে যায়। মন্টু এবং শাহেদ আমাদেরকে অফিসের টাকা ছিনতাই করার জন্য সহায়তা চায়। ব্যাংকে আসা যাওয়ার সময় ছিনতাই করার চেষ্টা। প্রায় ০৮ মাস চালায়। ড্রাইভার রেজাউল রাজি না হওয়ায় তারা ব্যর্থ হয়। পরে আমি রেজাউল এবং মন্টু অপহরণের কথা আলাপ করি। আমার মালিক শামীম সাহেবের ছেলে আবিরকে (বয়স ৮ বছর ছয় মাস) অপহরণের জন্য মন্টু এবং মিজানকে খেলার মাঠে আবিরকে চিনিয়ে দেই। ঐদিনই মিজানের সাথে পরিচয়। পরে কিছুদিন পর মন্টু ও মিজান আবিরকে অপহরণ করে ২ কোটি টাকা মুক্তিপন দাবি করে। অপহরণের আগে তারা আমার সাথে যোগাযোগ করলেও অপহরণের পরে আর আমার সাথে যোগাযোগ করেনি। অপহরণের টাকার ৩০% আমাকে ও রেজাউলকে দেয়ার কথা ছিল। র‍্যাব এর নিকট ধরা পড়ার পর মিজান আমাদের নাম বলে। পরে র‍্যাব আমাদেরকে গ্রেফতার করে। এই আমার জবানবন্দী।”

Rezaul's confession-

“আমি স্টাইলেক্স কালেকশন বায়িং হাউজের অফিসে থাকি এবং জি.এম সাখাওয়াত হোসেন স্যারের গাড়ী চালাই। ঐ বায়িং হাউজের মালিক শাহাদত হোসেন শামীম। আমি সাড়ে চার বছর ধরে ওখানে চাকুরী করি।

আমাদের অফিসে নজরুল ইলেকটিশিয়ানের কাজ করে। প্রায় এক বছর আগে সে আমাকে শাহীনবাগে নিয়ে গিয়ে রাজা নামের একজনের সাথে পরিচয় করে দিয়েছিলো। রাজা আমাদের অফিসের টাকা ছিনতাই করার কথা বলেছিলো। সঙ্গে শাহেদ নামেও একজন ছিলো। ব্যাংক থেকে টাকা আনার খবরটা দিতে বলছিলো। আমি তাদের জানাই নাই। ০৬ মাস ঘুরাই। এরপর আজ থেকে ০৬ মাস আগে নজরুল আমাকে মহাখালী নিয়ে যায় ও মানিক মন্টু এর সাথে পরিচয় করায় দেয়। মন্টু আমার কাছ থেকে মালিকের সম্পর্কে তথ্য নেয়। বাচ্চা কাচ্চা কয়জন জিজ্ঞাসা করি। নজরুল মন্টুকে বলে আপনারা কি কি করেন। মন্টু বলে তারা কিডন্যাপও করে। আমিও তাকে জিজ্ঞাসা করেছিলাম। এরপর ফোনেই কথাবার্তা হতো। দেখাও হতো। নজরুলের সাথে বেশী কথা হতো। এরপর আমাদের অফিস ক্রিকেট টুর্নামেন্ট ছাড়ে। বিশ্বকাপের (ক্রিকেট) পরেই টুর্নামেন্ট হয়। খেলার মাঠে মিজান ও মন্টু আসে। ওখানে আমি মালিক সহ সবাইকে চিনায় দেই।

বাচ্চা কোন স্কুলে কোথায় পড়ে আমি সব বলে দিই। মিজান বলেছিলো বাচ্চা নেওয়ার পরে শুধু মালিক ও আমি বা আমরা জানবো। প্রশাসন জানবে। বিশ্বাস জাগানোর জন্য শ্যামলীতে তার বোনের বাসা আমাদেরকে চিনায় দেয়। আর বলেছিলো কাজটা হলে ৩০% আমাদেরকে দিবে। গত

০২/০৫/১৫ ইং তারিখে ওরা বাচ্চা আবির্কে নিয়ে যায়। বাচ্চাকে নেওয়ার পর আমার সাথে আর কোনো যোগাযোগ হয় নাই। পরে ক্র্যাব ধরে সোপর্দ করে। আমাদেরকে ধরার আগেই বাচ্চা উদ্ধার হয়। এই আমার জবানবন্দি।”

In the aforesaid confessions, we find nothing against them that they took part or assisted in the abduction or got ransom from the abductors or any manner helped in taking ransom or got any share therefrom or they made any communication with the abductors before or after the occurrence. It is difficult for us to hold the above two confessions are inculpatory, so far it relates to the offence of sections 7, 8 and 30 of the Ain. Therefore, the conviction against them under sections 7, 8 and 30 of the Ain, without any offence of abduction or taking ransom, only on the aid of section 30 of the Ain cannot be sustained. It further appears that Rezaul has been able to make out a defence case that he did his job in the business firm of PW8 as driver up to 11.05.2015. He put definite suggestion to the prosecution witnesses to that effect. Even IO did not make any positive reply as to the arrest and whereabouts of Rezaul and Nazrul. In such a case they had suffered in jail for 10 years and thereafter obtained bail from this Court on 30.04.2025 but they never misused its privilege.

Now it remains only the confession of condemned-convict Mizanur Rahman alias Mizan Matubbar. The confession of Mizanur Rahman is exhibit-19. On its perusal we find that condemned-convict Mizanur Rahman gave a vivid description as to the commission of offence by him with his other accomplices. The confession is reproduced below-

“আমি পটুয়াখালী চৌরাস্তায় অটোর গ্যারেজ এবং পরিবহন ব্যবসা করি। মশিউর রহমান মন্টু কে আমি মন্টু মামা বলে ডাকি। তার বাড়ী কাঠালিয়া হওয়ায় এবং তার সাথে আগে লাগেজ ব্যবসা করার সুবাদে তার সাথে পরিচয়। সে ঢাকা শহরে ছিনতাই, ইয়াবা ও ফেনসিডিল ব্যবসার সাথেও জড়িত। সে গত মাসের ১৮ তারিখ আমাকে ফোন দিয়ে ঢাকায় আসতে বলে। আমি ২১ তারিখ ঢাকায় এসে মিরপুর ১০ এ মন্টু মামার সাথে দেখা করি। মন্টু মামা মহাখালী ডিওএইচএস এ নিয়া যায়। সেখানে রেজাউল এবং নজরুল নামে দুজন লোক আসে। ঐ লোক গুলোর সাথে তাদের এমডি-র বাস্কে অপহরণের বিষয়ে আলাপ করে। রেজাউল ঐ কোম্পানীর গাড়ীর ড্রাইভার এবং নজরুল ইলেকট্রিশিয়ান তারা ঐ বাস্কে অপহরণের বিষয়ে information দিবে কখন স্কুল ছুটি হয় না হয়। পরে আমরা মিরপুর চলে আসি এবং মন্টু মামা বাসায় চলে যায়। আমিও বাসায় চলে আসি।

পরে মন্টু মামা আমাকে ২৩ তারিখ ফোন দিয়া মালিবাগ আসতে বলে। আমি ঐ দিন মালিবাগ যাই। সেখানে শূভ ও কাজল ছিল। তারা মন্টু মামার লোক। ছিনতাই করে। আমরা মালিবাগ থেকে চিটাগাং রোডে একটা গ্যারেজে যাই। সেখানে মন্টুর একটা গাড়ী মেরামত করতেন। সে সেখানে আমার কাছ থেকে ৫০০০/- টাকা ধার গ্রহণ করে। ঐদিন আমরা যে যার মত বাসায় চলে যাই। সে আমাকে ফোন দিবে বলে।

তার সাথে এরপর ফোনে কথাবার্তা হয়। এর পর গত ২ তারিখ এই মাসের ফোন দিয়া মন্টু মামা আমাকে বলে মিরপুর ১০ এ থাকার জন্য। সেখানে থেকে শূভ ঐ সাদা নোয়া মাইক্রো নিয়ে নিতে আসে। আমি আর শূভ, কাজল সেখানে থেকে মন্টু মামা গুলশান যাইতে বলায় গুলশান যাইয়া মন্টু মামাকে তুলি। সেখানে থেকে পলোওয়েল মার্কেটে যাই। সেখান থেকে শূভ একটা লাল সিগন্যাল লাইট কিনে। সেখান থেকে আমরা উত্তরা আজমপুর যাই। আজমপুর সজিব, কাজল, আব্দুল্লাহ, কাউসার, রেজা এবং মুকুল ছিল। তারা সবাই মন্টুর লোক। সেখানে রেজার একটা ভাড়া প্রাইভেট কার ছিল। আমাকে আর

আব্দুল্লাহকে ওখানে রাখে। আমাদেরকে ঐ বাস্কার মদ্রাসার সামনে যাইতে বলে এবং মাদ্রাসা ছুটি হলে মন্টু মামাকে ফোন দিয়ে জানাতে বলে।

মন্টু মামা লোকজন নিয়া হোটেল রেডিসনের কাছে অপেক্ষা করতে থাকে। আমি ৮.৩০ টার দিকে আসি মন্টু মামাকে ফোন করে জানাই যে মাদ্রাসা ছুটি হইছে। মন্টু মামা কে আমাকে বাস্কার গাড়ীর পিছে পিছে আসতে বলে। পরের বাস্কার গাড়ীকে রেডিসন ক্লাইওভারের কাছে মন্টু মামা, শুব, সজীব, চঞ্চল, মুকুল, কাউসার নেমে সিগন্যাল দেয়। বাস্কার সাথে একটা মুরব্বী ছিল। তাকে তারা নেয়া গাড়ীতে তুলে ড্রাইভার সহ বাস্কার গাড়ী কাউছার এবং আব্দুল্লাহ বাস্কা সহ ঐ বাস্কার গাড়ীটা বাস্কা সহ চালায় নিয়ে যায়। সব গাড়ী নিয়ে ৩০০ ফিট বিশ্ব রোডের কাছে নিয়া আব্দুল্লাহ বাস্কা নামাইয়া আমার গাড়ীতে উঠে। মন্টু মামা আমাকে ফোন দিয়া বলে কালশীর ওখানে বাস্কা নিয়া দাড়ানোর জন্য। মন্টু আসার পর আমাকে গাড়ী থেকে নামাইয়া দেয়। এরপর মন্টু মামা বাস্কা নিয়ে পল্লবী এক বাসায় রাখে। বাস্কার গাড়ী কাউসার রাস্কাঙ্ক স্কুলের পিছনে নিয়া ফলাইয়া আসে। এরপরে মন্টু মামা আমাকে বাসায় চলে যেতে বলে।

বাস্কার বাবার সাথে মুক্তিপনের বিষয়ে যাবতীয় কথাবার্তা মন্টু মামা বলে। ৩/৪ দিন ধরে। পরে ৬ তারিখ সে আমাকে ফোন দিয়ে আমার ব্যাংকে একাউন্ট দেয়ার জন্য বলে। আমি আমার মার্কেন্টাইল ফার্মার্স এবং ডাচ বাংলা ব্যাংকের একাউন্ট নম্বর তাকে দিই। এরপর আবার আসাম ফোন দিয়ে ব্যাংকে টাকা ঢুকছে কিনা খবর নিতে বলে। ব্যাংকে খবর নিয়ে জানতে পারি মার্কেন্টাইলে এক কোটি, ফার্মার্স এ পঞ্চাশ লাখ এবং বাংলায় তেইশ লাখ টাকা ঢুকছে। আমি এ খবর তাকে জানাই। সে অনুল্ল ৬ টায় আমাকে ফোন দিয়া জানায় হোটেল রেডিসনের কাছে আসার জন্য আব্দুল্লাহকে ঐ সময় সে বাস্কা নিয়ে রেডিসন এর বিপরীতে থাকায় বলে। বাস্কার বাবা সেখানে নগত সাতাশ লক্ষ টাকা নিয়ে আসে। আদুরে বাস্কা কে ফেরত দিয়া দেয়। পরে মন্টু মামা আব্দুল্লাহকে ফোন দিয়ে ১১ নম্বর থাকতে বলে টাকা নিয়া। সেখানে আমিও যাই। সেখানে মন্টু যায় যাইয়া টাকা নেয়। নগদ তিন লক্ষ টাকা আব্দুল্লাহকে দেয় আমাকে চার লক্ষ টাকা দিয়ে বাড়ী চলে যেতে বলে। আমি ৮ তারিখ বাড়ী চলে যাই মন্টু মামা আমাকে ফোন দিয়া ব্যাংকে খোঁজ খবর নিতে বলে। আমাকে দেয়া চার লক্ষ টাকা এবং আমার ব্যবসার দুই লক্ষ টাকা ইয়ার্ন ব্যাংকে আমার একাউন্টে রাখি।

পরে একদিন আমি মন্টু মামার কথা মত পাঁচ লক্ষ টাকা তোলায় জন্য ফার্মার্স ব্যাংকে গেলে সেখানে পটুয়াখালীর র্যাব আমাকে গ্রেফতার করে। আমি তাদেরকে সব বলি। তারা আমাকে ঢাকায় নিয়া আসে ও পুলিশে দিয়া দেয়। এর পূর্বে আমি টাকা নগদ তুলি। এই আমার জবানবন্দি।”

On going through the aforesaid confession of convict-Mizannur Rahman and the evidence of PW25, we find that the confession is inculpatory which is true and made voluntarily. If a confession is found to be true and made voluntarily, it can be used against its maker to pass conviction. Apart from the confession made by him, we find that the whole dealings of Taka 1.73 crore with the banks were done in the personal accounts of Mizan and account maintained by him in the name of his business firm. PWs 10-14, 17-23 and 24, the witnesses of the concerned banks proved in evidence that convict Mizanur Rahman, opened bank accounts, maintained accounts in the name of his business firm, there money were deposited at the material time which were withdrawn subsequently by him and his men. Subsequently police seized documents related with the transaction of the banks through seizures exhibits-10-12, 16, 17 and 18. Convict Mizanur Rahman (absconding) in cross-examining the prosecution witnesses failed bring out anything adverse that those accounts were not maintained by him. Moreover, PWs 7 and 8 who dealt with the ransom money stated that most of the time they talked to accused

Mizanur Rahman about payment of ransom. In view of the above position, we can safely conclude that the condemned-convict Mizanur Rahman took the ransom amount of Taka 1.73 crores from PW8 in his accounts and subsequently withdrew the amount from the banks. The RAB personnel recovered ransom amount and seized those under a seizure.

Now let us examine whether the confession of Mizanur Rahman which is found true and made voluntarily as discussed hereinbefore can be used against other co-accused including condemned-prisoner Moshir Rahman Montu and convict Md. Alim Hossain alias Chanchal alias Chandan, Md. Abdullah Al Mamun alias Abdullah, Iqbal Hossain alias Shuvo and Sajib Ahmed alias Kamal Uddin Nazrul Islam and Rezaul Karim. It is well settled by our Apex Court in numerous case including the cases of Alamgir Hossain vs. State, 22 BLC (AD) 155, Sumon vs. State, 26 BLC (AD) 114, Saley Akram alias Palash vs. State, 73 DLR (AD) 264 and Dr. Mia Md. Mohiuddin vs. State, 75 DLR (AD) 8 that confession of a co-accused is not evidence as defined under section 3 of the Evidence Act. In those cases it has been decided that a confession made by a co-accused

which is inculpatory in nature can be used against a non-confessing accused, if it lends assurance to other evidence against co-accused. The expression 'may consideration' means that the confession may be used against other co-accused for the purpose of corroborating the evidence on record against the co-accused and that no conviction can be based on such confession. If the Court believed other evidence and felt the necessity of seeking an assurance in support of its conclusion deducible from the said evidence, the confession of co-accused would be used. The Court should ignore the confession of co-accused in the first instance, marshal the evidence led against the accused independently, make up its mind whether that evidence is sufficient to warrant conviction and after making mind it would consider the confession of co-accused.

In the present case, we do not find any sort of corroboration from the evidence of witnesses as to the involvement of other co-convict who were specifically not named in the FIR particularly convict Md. Iqbal Hossain Shuvo, Md. Abdullah Al Mamun, Sajib Ahmed alias Kamal Uddin, Md. Alim Hossain alias Chanchal alias Chandan and

Moshiur Rahman Mantu, even against Nazrul and Rezaul, and other two absconding convicts Kawsar Mridha and Reza Mridha.

It is found that in his confession Rezaul Karim stated the name of one Manik alias Montu. Mizanur Rahman stated Morhiur Rahman alias Montu and in some places Montu Mama and Nazrul Islam stated as Montu. In reply to the examination by the learned Judge under section 342 of the Code convict Moshiur Rahman alias Montu submitted some documents which proves that his name is Khan Mohammad Moshiur Rahman (Moshiur) which was not addressed by the Tribunal in his judgment. The prosecution did not produce any evidence to ascertain the identity of convict Mashur Rahman Mantu against whom they proceeded with trial and concluded. The prosecution did not take any positive step to ascertain the names and address of the other accused persons including convict Moshiur Rahman who were not named in the FIR specifically. Moreover, victim's father PW8 with whom the abductors contacted to take ransom stated that Mizanur Rahman claimed ransom from him not by anyone

else. In such a case convict-Moshiur Rahman has been suffering in jail for near about 11(eleven) years.

In view of the aforesaid fact and series of decisions in numerous cases by our apex Court, we do not find that confession made by accused Mizanur Rahman can be used against other co-accused to maintain their conviction without any substantive evidence against them and ascertaining their real name and identity.

In view of the aforesaid premises, we hold that the prosecution failed to prove the charges against condemned-prisoner Moshiur Rahman Montu and convicts Rezaul Karim, Nazrul Islam, Abdullah Al Mamun, Iqbal Hossain Shuvo, Sajib Ahmmed Kamal Uddin, Alim Hossain alias Chandan alias Chanchal, Kawsar Mridha and Reja Mridha under the provisions of the Ain and they should be acquitted from the charges levelled against them. It is to be noted here that although charge was framed and trial was held under sections 7, 8 and 30 of the Ain, 2000 and conviction was passed under different sections to different accused but so long the abduction was completed and the abductors claimed ransom in that very moment section 7 of the Ain was merged

with the offence of section 8 of the Ain, and as such conviction and sentence passed by the Tribunal under section 7 of the Ain against all the accused is apparently wrong and against the law prescribed. We further find that the death sentence awarded upon Mizanur Rahman alias Mizan Matubbar is disproportionate to the offence he committed. We hold that his sentence of death is to be commuted to imprisonment for life only under section 8 of the Ain, 2000.

In the result, the reference is rejected. Criminal Appeal 11982 of 2019 preferred by Moshiur Rahman Montu, Criminal Appeal 6330 of 2019 preferred by Nazrul Islam and Rezaul Karim, Criminal Appeal 7390 of 2019 preferred by Md. Alim Hossain alias Chanchal alias Chandan, Md. Abdullah Al Mamun alias Abdullah, Iqbal Hossain alias Shuvo and Criminal Appeal 7377 of 2019 preferred by Sajib Ahmed alias Kamal Uddin are hereby allowed and the appellants are acquitted of the charges levelled against them. Convict Kawsar Mridha and Reza Mridha (both absconding) having been on similar footing with the above appellants should also be acquitted of the charge levelled against them.

Convicts Nazrul Islam, Rezaul Karim, Alim Hossain alias Chanchal alias Chandan, Abdullah Al Mamun, Iqbal Hossain alias Shuvo and Sajib Ahmed alias Kamal Uddin are discharged from their respective bail bonds. The concerned authority is directed to set condemned-prisoner Moshiur Rahman Montu at liberty forthwith, if not wanted in any other cases. The law enforcing agencies are directed to secure the arrest of convict Mizanur Rahman alias Mizan Matubbar to serve his sentence. The warrant of arrest, if any, against absconding Kawsar Mridha and Reza Mridha shall be recalled.

Communicate this judgment and send down the records of the Tribunal.

K.M. Rasheduzzaman Raja, J.

I agree.