

Present:

Mr. Justice Md. Shohrowardi

Criminal Revision No. 42 of 2007

Md. Badiuzzaman Prang (Boida)

...Convict-petitioner

-Versus-

The State and another

...Opposite parties

No one appears.

...For the convict-petitioner

Mr. Md. Anichur Rahman Khan, D.A.G with

Mr. Mir Moniruzzaman, A.A.G with

Mr. Md. Saruwar Alam Khan, A.A.G with

Ms. Nargis Parvin (Alija), A.A.G

...For the State

Heard on 12.01.2026

Judgment delivered on 18.01.2026

On an application filed under section 439 read with section 435 of the Code of Criminal Procedure, 1898 Rule was issued calling upon the opposite parties to show cause as to why the impugned judgment and order dated 31.08.2006 passed by Additional Sessions Judge, Court No. 2, Bogra in Criminal Appeal No. 44 of 2005 affirming the judgment and order of conviction and sentence dated 31.07.2005 passed by Magistrate, First Class, Bogra in Complaint Case No. 28-C/2004 (Nandi) should not be set aside and/or to pass such other or further order or orders as this Court may seem fit and proper.

The prosecution's case, in short, is that Most. Piara Khatun, as complainant, filed Complaint Case No. 28-C/2004 (Nandi) against the accused Md. Badiuzzaman Prang alias Boida, alleging, *inter alia*, that on 25.11.1989, the accused got married to the complainant by registered kabinnama and the complainant gave birth to two children. On 27.11.2003, the accused disclosed that he again married one Rawshan Ara (Mimi), and on 11.12.2003, he drove the complainant out of his house along with their children. Subsequently, on 19.03.2004, he again brought them to his house, and on 26.03.2004,

he beat her and again drove her out of his house. The accused got second marriage without the permission of his wife and the local Arbitration Council and committed an offence under section 6(5) of the Muslim Family Laws Ordinance, 1961.

During the trial, charge was framed against the accused under section 6(5) of the Muslim Family Laws Ordinance, 1961 and the accused pleaded not guilty to the charge and claimed to be tried following the law. During the trial, the prosecution examined 4(four) witnesses to prove the charge against the accused. After examination of the prosecution witnesses, the accused was examined under section 342 of the Code of Criminal Procedure, 1898 and the defence declined to examine any D.W.

After concluding trial, the learned Magistrate, First Class, Bogra, by judgment and order dated 31.07.2005, was pleased to convict the petitioner under section 6(5) of the Muslim Family Laws Ordinance, 1961 and sentenced him thereunder to suffer imprisonment for 6(six) months against which he filed Criminal Appeal No. 44 of 2005 before the Sessions Judge, Bogra. The appeal was heard by the Additional Sessions Judge, Court No. 2, Bogra, who, by impugned judgment and order, affirmed the judgment and order passed by the trial Court against which the convict-petitioner obtained the Rule.

No one appears on behalf of the convict-petitioner.

Learned Deputy Attorney General Mr. Md. Anichur Rahman Khan, appearing along with learned Assistant Attorney General Mr. Mir Moniruzzaman on behalf of the state, submits that admittedly the complainant P.W. 1 is the husband of the convict-petitioner Md. Badiuzzaman Prang (Boida) and he married Most. Rawshan Ara, alias Mimi, without permission from the Arbitration Council. Therefore, he committed an offence under section 6(5) of the Muslim Family Laws Ordinance, 1961.

I have considered the submission of the learned Deputy Attorney General, Mr. Md. Anichur Rahman Khan, who appeared along with learned Assistant Attorney General Mr. Mir Moniruzzaman on behalf of the state, perused the impugned judgments and orders passed by the Courts below, evidence of the prosecution witnesses, and the records.

P.W. 1 Piara Khatun stated that she is the first wife of the accused Md. Badiuzzaman Prang and, during the subsistence of their marriage, she gave birth to two children. Subsequently, the accused again married Rawshan Ara Mimi on 11.12.2003 without permission of the Arbitration Council. She proved the photocopy of the kabinname of both the marriages as exhibits 2 and 3. During cross-examination, by giving a suggestion to P.W. 1, the defence admitted that the accused married Rawshan Ara Mimi. No permission of the Arbitration Council has been proved by the defence. Since the defence admitted that the accused got second marriage and the accused husband failed to prove any permission from the Arbitration Council, I am of the view that the accused committed an offence under section 6(5) of the Muslim Family Laws Ordinance, 1961. Both the Courts below, on correct assessment and evaluation of the evidence of the prosecution witnesses, legally passed the impugned judgment and order following the law.

I find no merit in the Rule.

In the result, the Rule is discharged.

Send down the lower Court's records at once.