

**IN THE SUPREME COURT OF  
BANGLADESH**

**HIGH COURT DIVISION**

**(CRIMINAL REVISIONAL  
JURISDICTION)**

**Present:**

**Mr. Justice Md. Shohrowardi**

**Criminal Revision No. 514 of 2007**

**Altab Ali**

**.....Convict Petitioner**

**-versus-**

**The State and another**

**.....Opposite Parties**

No one appears

.... For the convict petitioner

Mr. Md. Anichur Rahman, DAG with

Mr. Mir Moniruzzaman, AAG with

Mr. Md. Sarwar Alam Khan, AAG with

Ms. Nargis Parvin (Alija), AAG

....For the

State

**Heard on 18.02.2026**

**Judgment delivered on 02.03.2026**

On an application under sections 439 of the Code of Criminal Procedure, 1898 Rule was issued calling upon the opposite party to show cause as to why the impugned judgment and order dated 19.02.1998 passed by the Additional Sessions

Judge, Court No.3, Bogura in Criminal Appeal No. 87 of 1992 affirming the judgment and order of conviction and sentenced dated 30.09.1992 passed by Magistrate, First Class, Adamdighi, Bagura in Adamdighi P.S. Case No. 48 dated 21.09.1991GR No. 59 of 1991 convicting the petitioner under section 379 of the Penal Code, 1860 and sentencing him thereunder to suffer rigorous imprisonment for 01(one) year and fine of Tk. 1000, in default, to suffer imprisonment for 02(two) months, 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 prosecution's case, in short, is that on 20.09.1991 at 9.11 pm the accused persons Chan Mia and Altab Ali stole a transformer from the Pillar No. C-58/55-7 of Palli Bidyut Samity situated at village Bashikura under Adamdighi Thana. The locals caught them red-handed and handed them over to the police. On 21.09.1991 at 10.00 am Md. Abu Bakkar Siddique, son of Md. Khuda Box, village Adamdighi, Bogura, informed the matter to Md. Sarwar Hossain, GM, Palli Bidyut Samity, Bogura. Thereafter, the informant Md. Sarwar Hosssain lodged the FIR on 21.09.1991.

Md. Abdus Salam, S.I. Adamdighi Thana, took up the investigation of the case. During the investigation, he visited the place of occurrence, prepared the sketch map and index, recorded the statement of witnesses under section 161 of the Code of Criminal Procedure, 1898, and seized alams. After

completing the investigation, the investigation found prima facie truth of the allegation against the accused Md. Chan Miah and Altab and submitted charge sheet against them under sections 379/411 of the Penal Code, 1860.

During trial, charge was framed against the accused Chan Mia and accused Altab Ali under sections 379/411 of the Penal Code, 1860, which was read over and explained to them, and they pleaded not guilty to the charge and claimed to be tried following the law. Prosecution examined 8 witnesses to prove the charge against the accused persons, and the defence cross-examined the prosecution witnesses. After examination of the PWs, the accused persons were examined under section 342 of the Code of Criminal Procedure, 1898 and they declined to adduce any DW.

After concluding trial, the Magistrate, First Class, Adamdighi, by judgment and order dated 30.09.1992, convicted the accused Chan Miah and Altab Ali under section 379 of the Penal Code, 1860, and sentenced them to suffer imprisonment for 01(one) year and a fine of Tk. 1000, in default, to suffer imprisonment for two months, against which they preferred Criminal Appeal No. 87 of 1992 before the Sessions Judge, Bogura, who by impugned judgment and order dated 19.02.1998 affirmed the judgment and order passed by the trial court, against which the convict petitioner Altab Ali obtained the Rule.

P.W. 1 Md. Sarwar Hossain is the General Manager of Palli Bidyut Samity, Bogura. He stated that on 20.09.1991, the accused Chan Miah and Altab Ali stole the 10KB transformer from the Pillar No. C58/55-7 of the transmission line of Palli Bidyut Samity. At that time, the locals detained them along with the transformer and other materials. On 21.09.1991 at 10.00 am, one Abu Bakkar Siddique, village-Karoi, came to him and informed him about the occurrence. Thereafter, he went to the local police station and, along with 3 police personnel, went to the place of occurrence. He found that two village police officers detained the accused persons. Thereafter, the detained accused persons were handed over to the Thana with the help of the police. During cross-examination, he stated that the transformer is not produced in court. He found about 200 locals at the place of occurrence. He is not aware whether any materials were seized by the police from the place of occurrence. He denied the suggestion that he did not make a true statement before the court.

P.W. 2 Md. Selim Reja is the Assistant General Manager, Palli Bidyut Samity, Bogura. He stated that on 21.09.1991, he, along with the General Manager, went to the office room of the GM and found Abu Bakkar Siddique, who informed them that on 20.09.1991 at about 11.00 am, the locals detained the accused when they stole the transformer from the Pillar No. C58/55-7 situated in the

village of Bashikura. Thereafter, he, along with GM, went to the place of occurrence and found that the accused Chan Mia and Altab Ali were detained. He found about 20/25 locals at the place of occurrence. Police seized the transformer, chinese axe, dagger, torchlight, range, etc. The transformer was handed over to the custody, and other seized goods were handed over to the police. During cross-examination, he affirmed that he found injuries on the body of the accused persons. 4/5 villagers signed the seizure list. He denied the suggestion that the transformer and other materials were not seized from the place of occurrence. He denied the suggestion that he deposed falsely.

P.W.3 Md. Abdur Razzak stated that on 21.09.1991 at 11.00 am, he came to know that two thieves were detained along with the transformer at village-Barshikura. Thereafter, he went to the place of occurrence situated near the house of Gour Master. He saw two thieves at the place of occurrence. The police seized the goods. He affirmed that the recovered goods had been produced in court. He denied the suggestion that he deposed falsely.

P.W. 4 Sree Ratan Chandra Das stated that on 20.09.1991 at 11.00 pm at night, electricity was disconnected. He, along with his brother Sapon, went near the transformer. At that time, he saw that two people were disconnecting the transformer. He instructed his brother

Sapon to bring the locals. He also went to another part of the village. Thereafter, they, along with the locals, came back to the place of occurrence and found that two persons were taking away the transformer. He instructed them to stop; at that time, they attempted to flee. Tapon and his cousin and others detained accused Chan Mia, and he chased accused Altaf Ali. He, Utpal, Kithis, Sudhir, and others detained Altab and recovered the Chinese axe from him. He, along with the locals, took the detained thieves to the house of Gour Master, along with the transformer. The next day, Siddique reported the matter to the officer of Palli Bidyut Samity. During cross-examination, he stated that on 21.09.1991, before noon, he made a statement to the police. He denied the suggestion that no occurrence took place, as stated by him, or he deposed falsely.

P.W. 5 Sree Tapon Kumar stated that on 20.09.1991 at 11/1.30 pm, the electricity was disconnected. Ratan came to him and told him to inquire about the disconnection of the electricity. At that time, he, along with Ratan, Jatin, Utpal, and others, went to the transformer, and he saw that the accused Altab and Chan Mia were disconnecting and taking away the transformer. At that time, they chased and detained them, and took them to the house of Gour Master along with the Chinese axe, dagger, and torchlight, etc. He signed the seizure list. He proved the seizure list as exhibit-1 and his signature on the seizure list as exhibit-1/1.

P.W. 6 Md. Fazlul Haque Sarker stated that on 21.09.1991 in the morning, he heard that the thieves were detained along with the transformer, and he went to the place of occurrence at 7/7.30 am and found that the accused Chan Mia and Altab were detained. He also found a transformer, a range, a taster, a knife, a Chinese axe, a bag, and other materials.

P.W.7 Sree Jatindra Nath stated that the accused persons were known to him. The occurrence took place on 20.09.1991 at 11/11.30 pm. At that time, Ratan called him and told him that the transformer had been stolen. Thereafter, he came out of his house along with 5/6 persons and went there. Ratan, Tapon, Shapon, Nitai Master, Dizen, and Kitis also went there. At that time, they found that the accused Chan Mia and Altab were fleeing away along with the transformer. They encircled the accused persons and detained them. Thereafter, they were taken to the house of Gour Master and reported the matter to the police.

P.W. 8 Md. Abdus Salam is the investigating officer of the case. He stated that on 21.09.1991 Md. Sarwar Hossain, GM, Palli Bidyut Samity, Bagura, lodged the FIR, and the Officer-in-Charge recorded the FIR. Thereafter, he went to the place of occurrence along with the locals and, before lodgment of the FIR, seized one Chinese axe, a Knife, pair of pliers, range, tester, torch light, part of a transformer, and

bag. He prepared the seizure list. He proved the alamats as exhibits-1 to 8. He visited the place of occurrence, papered the sketch map and index, seized the alamats, and recorded the statement of witnesses. After investigation, he found the prima facie truth of the allegation against the accused persons and submitted charge sheet against the accused Chan Mia and Altab Ali under sections 379/114 of the Penal Code, 1860. He proved the FIR as exhibit-2 and the signature of the recording officer as exhibit-1/1.

No one appears on behalf of the convict petitioner.

The learned Deputy Attorney General Mr. Md. Anichur Rahman Khan appearing along with learned Assistant Attorney General Ms. Nargis Parvin(Alija) on behalf of the state submits that the accused Chand Mia and Altab Ali were detained by the locals at the time of stealing the transformer and P.Ws. 4 Ratan Chandra Das, P.W. 5. Tapon and P.W. 7 Jatindra detained the accused persons along with the transformer and the stolen goods and the instrument used for disconnecting the transformer from the Pillar.P.Ws. 4, 5 and 7 corroborated the evidence of P.W. 1 GM, Palli Bidyut Samity. P.Ws. 2, 3, and 6 also corroborated the evidence of P.W. 1. The prosecution proved the charge against the accused persons beyond all reasonable doubt, and both the courts below, on correct assessment and

evaluation of the evidence, legally passed the impugned judgment and order. He prayed for discharging the Rule.

I have considered the submission of the learned Deputy Attorney General, Mr. Md. Anichur Rahman Khan, who appeared along with learned Assistant Attorney General Ms. Nargis Parvin (Alija) on behalf of the state, perused the evidence, impugned judgments and orders passed by the courts below and the records.

On perusal of the evidence, it reveals that the occurrence took place on 20.09.1991 at 11.00 pm, and the accused Altab Ali and Chan Mia disconnected the transformer from the Pillar No. C-58/55-7 of Palli Bidyut Samity situated at Barshikura village of Adamdighi and they were taking away the transformer. At that time, P.Ws 4, 5 and 7 detained the accused Chan Mia and Altab Ali along with the transformer and other materials, and they were taken to the house of Gour Master.

The evidence of P.W. 1 regarding the stealing transformer by accused Altab Ali and Chan Mia from the said pillar is corroborated by P.Ws. 4, 5 and 7 who detained them from the place of occurrence along with the transformer and other materials. P.Ws 2, 3, and 6 also corroborated the evidence of P.W. 1. By cross-examining the prosecution witnesses, the defence failed to bring out any contradiction in the evidence of P.Ws. 4, 5, and 7, who

detained the accused Chan Mia and Altab Ali. I am of the view that the prosecution proved the charge against the accused Altab Ali beyond all reasonable doubt, and the courts below, on correct assessment and evaluation of the evidence, legally passed the impugned judgments and orders.

I find no merit in the Rule.

In the result, the Rule is discharged.

The convict petitioner Altab Ali is directed to surrender forthwith.

Send down the lower Court's records at once.