

Present
Justice Sk. Tahsin Ali

Criminal Revision No. 2326 of 2025

Md. Naziullaha Rahman (Rana)
.....accused-petitioner

-Versus-

The State and another

----- opposite parties

Mr. Syed Asifur Rahman, Advocate

.... for the petitioner

Mr. Md. Akramuddin with

Mr. Rajib Ahmed with

Mr. Md. Hasan Abdul Quium, advocate

..... for the respondent No. 1

Mr. Md. Mizanur Rahman, DAG with

Mr. Md. Ahidul Islam, AAG

Mr. Abdullahil Maruf Fahim, AAG

Ms. Nasima Khatun, AAG

----- For the State.

**Heard on: 10.05.2026, 07.06.2026,
08.06.2026, 14.06.2026, 14.07.2026,
20.07.2026, 02.08.2026, 03.08.2026,
16.08.2026 and**

Judgment on: 17.08.2026

The Rule was issued calling upon the opposite parties to show cause as to why the judgment and order dated 24.04.2025 passed by the learned Additional Sessions Judge, 5th Court, Bogra in Criminal Appeal No. 06 of 2024 allowing the appeal and thereby acquitting the accused opposite party no.1 from the judgment and order of conviction and sentence dated 27.11.2023

passed by the learned Additional Chief Judicial Magistrate, Bogra in Bogra Sadar Police Station Case No. 63 dated 18.02.2013 corresponding to G.R. No. 170 of 2013 (Sadar) convicting the accused opposite party No.1 under section 471 of the Penal Code and sentencing him there under to suffer rigorous imprisonment for a period of 02(two) years 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 case, in short is that the petitioner lodged an FIR on the allegation that the accused opposite party by creating a forged deed obtained mutation of 05 decimals of land in his name and thus committed an offence and hence the case.

Mr. Syed Asifur Rahman, learned advocate appearing on behalf of the complainant-petitioner while Mr. Rajib Ahmed along with Md. Hasan Abdul Quium appeared for the respondent No. 1 and Mr. Mizanur Rahman, learned Deputy Attorney General with Mr. Md. Ahidul Islam, AAG, Mr. Abdullahil Maruf Fahim and Ms. Nasrin Khandaker, A.A.G. appeared for the state.

Mr. Syed Asifur Rahman, learned advocate appearing on behalf of the complainant-petitioner contended that the petitioner

at the time of mutation the land in question produced the photocopy of the Heba Deed vide deed No. 5200 dated 09.04.2006 added the additional Dag No. C.S 1678 and R.S. 11664 upon the said photocopy which is a tempering document and inconsistent with the original one while the Assistant Commissioner (land) called the original Balam Boi from the registry office, he did not found the said added Dag No. 1678 upon the original one. But the learned trial court relied on the report submitted by the investigation officer who turned up before the trial court as PW-7 and support the FIR story convicted the petitioner under Section 471 of the Penal Code rigorous imprisonment for a period of 2(two) years. He further submits that while his client (herein petitioner) came to the knowledge that the accused-opposite party No. 2 after obtaining the mutation of 5 decimal of land in question transferred the said piece of land by a Registered Deed No. 29392 of 2012 then opposite party No. 2 filed an objection case before the office of the Assistant Commissioner (land), Bogra and the said AC land while found inconsistency regarding the Dag in question with the original Heba Deed executed by their late father are found in the

Balam Boi then cancelled earlier mutation of said 5 decimal land Mutation Case being No. 10287(1k-1) 2011-12 as well.

On the other hand Mr. Md. Akramuddin learned advocate appeared on behalf of the opposite party No. 2 and contest the instant Rule. He tried his best to draw kind attention of this court by perusing case laws that at the time of trial the learned trial court has failed to consider that primary evidence is not enough to consider a criminal case until and unless no corroboration is found in support of their primary evidence and he categorically denied the allegation that the photocopy deed in question has never been produced before the office of the Assistant Commissioner (land) whether the property in question is an ejmaly property and as such there is every possibility, anyone can tempering the Dag in question which would be determined by adducing the witness during trial but the learned trial court did not follow such procedure passed the impugned judgment which was rightly reversed by the learned Additional District and Sessions Judge, 5th Court, Bogra. In support of those submissions learned advocate for the petitioner concedes the same and submits that if the trial court did not follow such procedure that will not fatal the case it was merely irregularity which will cured

if he will given chance to retrial the case. He further submits that the accused-opposite party No. 2 admittedly mentioned in the subsequent deed regarding mutation of the property in question and disclosed the tempering Dug No. 1678 measuring an area of 5 decimal.

Heard the learned advocates for respective parties and perused the documents on record.

Considering the facts and circumstances of the case, I am of the view that the ends of justice would be best served if the matter is sent back to the learned Trial Court for adjudicate with an opportunity to both parties to produce additional evidences to prove their respective cases.

In the result, the Rule is disposed of with the above directions.

Send down the Lower Court Records.

Communicate this judgment and order at once.