**District-Madaripur**

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

**Present:**

**Mr. Justice Kazi Md. Ejarul Haque Akondo**
**And**
**Ms. Justice Nasreen Akter**

## Criminal Appeal No. 4682 of 2026

**In the matter of:**

Sawpon Bala
...Accused-appellant
-versus-
The State
...Respondent
Mrs. Monira Parvin, Advocate
... For the appellant

Mr. Md. Nazrul Islam (Choton), DAG
Mr. S.K. Obaidul Haque (Wasim), A.A.G
Mr. Md. Shagar Hossain, A.A.G
Mr. Md. Shahadat Hossain (Adil), A.A.G
Mr. Md. Raihanul Mostafa, A. A.G
Ms. Rafiza Alam Lucky, A.A.G
....For the respondent

**Heard on: 09.09.2026**
**Judgment on: 09.09.2026**

**Nasreen Akter, J:**

This appeal is directed against the Order No. 10 dated 29.07.2026 passed by the Judge (District and Sessions Judge) Child Violence Prevention Tribunal, Madaripur in C.R.P. No. 50 of 26 arising out of Rajoir Police Station Case No. 26 dated 25.07.2025

corresponding to G.R. No. 238 of 2025 (Rajoir) under Section 7/30 of the Nari-O-Shishu Nirjaton Damon Ain, 2000 (Amended-2003) rejecting the application of the appellant for custody of the victim.

The brief facts relevant for disposal of the appeal are as follows:

One Ashim Bala, son of Late Shukh Chad Bala, along with another relative, lodged a C.R. Case in the Nari-O-Shishu Nirjatan Daman Tribunal, Madaripur, being Nari-O-Shishu Petition No. 242 of 25 (Rajoir). It has been stated in the said petition of complaint that on 25.06.2025 at about 10:00 a.m., the petitioner's daughter, Baishakhi Bala, aged 15 years was walking on a vacant road on the eastern side of Rathbari Dhali Bazar, Rajoir when 3-4 miscreants, including the accused Nos. 1-3, who had been waiting there in a white car as per a pre-arranged plan, wrongfully restrained her with the intention of kidnapping her against her will. Accused No. 1, in collusion with accused Nos. 2 and 3 and other unknown persons, illegally intimidated her by threatening to kill her or cause grievous injury and ordered her to remain silent. Subsequently, accused No. 1 and the others forcibly

grabbed her hands and legs and pushed her into the car. The victim raised an alarm and screamed while trying to escape. When local people and witnesses attempted to intervene, the accused forcibly abducted her in a Hi-Ex car and drove towards the Dhaka highway. After the incident, the complainant, his relatives, and some witnesses searched for the daughter at various places, including the accused's house, but could not find her. They requested the accused to return Baishakhi Bala "but were unsuccessful in doing so". Later, when the complainant went to Rajoir Police Station and could not locate his daughter, the authorities advised him to file a case in court instead of a regular case. The complainant feared that the accused might conspire to forcibly marry, rape, or smuggle his daughter abroad. Hence, the case was filed.

Thereafter, the victim was taken into police custody on 17.09.2025 and produced before the learned Shishu Adalat, Madaripur. Pursuant to the orders of the Hon'ble Court, she was placed in safe custody for the purpose of age determination. During the pendency of the case, the accused-appellant filed an application before the Tribunal

seeking jimmah (custody) of his wife, the victim Boishakhi Bala. After hearing the application, the learned Judge of the Tribunal rejected it by the impugned order. Being highly aggrieved by and dissatisfied with the said order, the appellant has filed this appeal.

Mrs. Monira Parvin, the learned Advocate appearing for the appellant, submits that, as per the medical report prepared approximately one year earlier, the age of the victim is 16 or 17, and at present, the victim has attained the age of majority and she is the legally wedded wife of the appellant. She is willing to go either to her own custody or to the custody of her husband Swapan Bala, but the order of the trial Court neither proper nor in accordance with the law, and as such, the same is liable to be set aside. She urges for a direction upon the concerned authority to hand over the victim to her legal husband.

Mr. S.K. Obaidul Haque (Wasim), the learned Assistant Attorney General appearing for the State submits that the learned Judge of the trial Court rightly passed the impugned order, and as such, there is no scope to interfere with the same. He urges for dismissing the appeal.

We have heard the learned Advocate for the appellant and the learned Assistant Attorney General, perused the impugned order, statement of the victim, medical report and other materials on record.

It appears from the record that the appellant married the victim, Boishaki Bala. The trial court placed the victim in safe custody to determine her age, after which a doctor estimated she was approximately 16 or 17 years old, and now the victim has attained adulthood. During the trial, the appellant filed an application praying for custody of his legal wife, but the court rejected the same. At the present stage of the case, the victim gave a statement under Section 22 of the Nari-O-Shishu Nirjatan Daman Ain, 2000 (Amended 2003), before the learned Magistrate. In her statement, she stated that she willingly accompanied the accused, stayed at his house as his wife, and returned to her own home after a few days. This statement indicates that the appellant neither kidnapped nor forcibly raped the victim, and that they were married. The statements of the victim are reproduced below:

> "আমার নাম বৈশাখী বালা, বয়স: ১৮ বৎসর (ভিকটিমের কথিত মতে) পিতা: অসিম বালা, গ্রাম: রথবাড়ী, থানা: রাজৈর, জেলা: মাদারীপুর। আমার

সাথে স্বপন বালার বিগত ০২ (দুই) বছর ধরে ভালো বাসার সম্পর্ক। বিগত ২৫/০৬/২০২৫ইং তারিখ সকাল ১০-১১ টার সময় স্বপন বালার বাইকে করে ভাঙ্গা ফরিদপুরে যাই। পরে আমি ভাঙ্গা পার্লারে যাই। বিয়ের উদ্দেশ্যে সাজার জন্য। পার্লার থেকে সেজে আমি আমার বাবা মা, স্বপন বালা ও নিকট আত্মীয়রা মিলে ভাঙ্গা শ্বশান ঘাট মন্দিরে যাই বিয়ে করার জন্য। এর পূর্বে সকাল ১০/১১ টার সময় তখন স্বপন বালার সাথে সাত পাড় হতে রওনা দেই। তখন আমি আমার বাবা মাকে বলে যাই। আমার বাবা মা জানত আমি স্বপন বালার সাথে ভাঙ্গা যাচ্ছি পার্লারে সাজার জন্য। পরবর্তীতে ভাঙ্গা শ্বশান ঘাট মন্দিরে বিকাল ৩-৪ টার সময় হিন্দু ঋতি নীতি মেনে সামাজিক ভাবে স্বপন বালার সাথে আমার বিবাহ হয়। বিবাহের সময় আমার বাবা মা উপস্থিত ছিলেন। ঐ দিন বিবাহের পর আমি স্বপন বালার সাথে তাহার বাড়ী যাই। এর এক সপ্তাহ পরে আমার স্বামীর বাড়ীতে বউ ভাত অনুষ্ঠান হয়। ঐ দিনও আমার স্বামীর বাড়ীর অনুষ্ঠানে আমার বাবা উপস্থিত ছিলেন। এর পর হতে আমি আমার স্বামীর সাথে তার পরিবারে সুখে শান্তিতে বসবাস করছি। আমার বাবা মা স্বেচ্ছায় স্বপন বালার সাথে আমাকে বিবাহ দেয়। এই আমার জবানবন্দি। আজ আমি আমার স্বামীর বাড়ী থেকে এখানে আসছি।"

In view of the above facts and circumstances of the case, we find merit in this appeal.

Accordingly, the appeal is allowed.

The order No. 10 dated 29.07.2026 passed by the Judge (District and Sessions Judge) Child Violence Prevention Tribunal, Madaripur in C.R.P. No. 50 of 26 arising out of Rajoir Police Station Case No. 26 dated 25.07.2025 corresponding to G.R. No. 238 of 2025 (Rajoir) under Section 7/30 of the Nari-O-Shishu Nirjaton Damon Ain, 2000 (Amended-2003) rejecting the application of the appellant for custody of the victim is hereby set aside.

The Director, Faridpur Safe Home (Mohila-O-Shishu Kishore Nirapad Abashon) Tapakhola, Faridpur is hereby directed to release the victim Boishaki Bala, daughter of Aushim Bala, village-Rathbari, Police Station-Rajoir, District-Dhaka and hand over to her husband Sawpon Bala, son of late Pagla Bala immediately after the receipt of this judgment and order.

The office is directed to communicate this judgment and order at once.

**Nasreen Akter, J**

**Kazi Md. Ejarul Haque Akondo, J:**

I agree.

Md. Reza Mahmmud
Bench Officer