

Present

Mr. Justice Sheikh Abdul Awal

Criminal Appeal No. 5228 of 2014

Ashraf Ali alias Panati

.....Convict-appellant.

-Versus-

The State

.....Respondent.

No one appears

.....For the convict-appellant.

Ms. Shahida Khatoon, D.A.G with

Ms. Sabina Perven, A.A.G with,

Ms. Koheenoor Akter, A.A.G.

..... For the respondent.

Judgment on 01.07.2024.

Sheikh Abdul Awal, J:

This criminal appeal at the instance of convict appellant Ashraf Ali alias Panati is directed against the impugned judgment and order of conviction and Sentence dated 14.07.2014 passed by the learned Judge, Special Tribunal, 3rd Court, Lalmonirhat in Special Tribunal Case No. 142 of 2010 arising out of G.R. No. 137 of 2010 corresponding to Patgram Police Station Case No. 01 dated 01.09.2010 convicting the accused appellant under section 25B(2) of the Special Powers Act, 1974 and sentencing him thereunder to suffer rigorous

imprisonment for a period of 4(four) years and to pay a fine of Taka 5,000/-(five thousand) in default to suffer simple imprisonment for 06 (six) month more.

No one appears for the convict appellant despite of fact that this matter has been appearing in the list for hearing with the name of the learned Advocate for the appellant days together.

In view of the fact that this petty old criminal Appeal arising out of 4(four) years sentence has been dragging before this Court for more than 10 years, I am inclined to dispose of the same.

At the time of pronouncement of judgment, it appears from the record that this Court on 25.08.2014 at the time of admission of appeal granted ad-interim bail to the accused appellant for a period of 06(six) months, which was lastly extended on 04.01.2017 for a period of 01(one) year and thereafter, no one took any steps to extend the order of bail, as a result of which the said bail was expired long before on 04.01.2018. In that view of the matter, I have no hesitation to hold that the convict appellant is a fugitive from law and justice.

In the case of Anti-Corruption Commission Vs. Dr. HBM Iqbal Alamgir, reported in 15 BLC(AD) 44, it has

been held that the Court would not act in aid of an accused person, who is a fugitive from law and justice.

In view of the above, this Appeal must fail.

In the result, the appeal is dismissed. Since the appeal is dismissed the convict- appellant, Ashraf Ali alias Panati is directed to surrender his bail bond within 3 (three) months from today to suffer his sentence, failing which the Trial Court below shall take necessary steps to secure arrest against the convict appellant.

Send down the lower Court records at once.