

**Present**

**Mr. Justice Sheikh Abdul Awal**

**Criminal Appeal No. 2770 of 2015**

Md. Ashraful

.....Convict-appellant.

-Versus-

The State

.....Respondent.

No one appears

.....For the convict-appellant.

Ms. Shahida Khatoon, D.A.G with

Ms. Koheenoor Akter, A.A.G.

..... For the respondent.

**Judgment on 16.07.2024.**

**Sheikh Abdul Awal, J:**

This criminal appeal at the instance of the convict appellant, Md. Ashraful is directed against the impugned judgment and order of conviction and Sentence dated 07.04.2015 passed by the learned Special Tribunal No. 9, Khulna in Special Tribunal Case No. 127 of 2008 arising out of G.R. No. 25 of 2008 corresponding to Batiaghata Police Station Case No. 25 dated 28.01.2008 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 rigorous imprisonment for 02 (two) months 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 9 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 12.05.2015 at the time of admission of appeal granted ad-interim bail to the accused appellant for a period of 06(six) months 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 12.11.2015. 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, Md. Ashraful 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.