

Present

Mr. Justice Sheikh Abdul Awal

Criminal Appeal No. 5430 of 2015

Md. Monu Miah

.....Convict-appellant.

-Versus-

The State

.....Respondent.

Mr. M. Ataul Gani, Advocate

.....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 26.05.2024.

Sheikh Abdul Awal, J:

This criminal appeal at the instance of convict appellant, Md. Monu Miah is directed against the impugned judgment and order of conviction and Sentence dated 18.06.2015 passed by the learned Additional Sessions Judge 2nd Court, Tangail in Sessions Case No. 1004 of 2013 arising out of G.R. No. 258 of 2013 corresponding to Mirjapur Police Station Case No. 16 dated 13.07.2013 convicting the accused appellant under table 1(ka) of section 19(1) of the Narcotics Control Act, 1990 and sentencing him thereunder to suffer rigorous imprisonment for a period of

2(two) years and to pay a fine of Taka 2,000/-(two thousand) in default to suffer rigorous imprisonment for 03 (three) months more.

At the time of pronouncement of judgment, it appears from the record that this Court on 09.08.2015 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 16.03.2016 for a period of 01(one) year from the date of expiry 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 09.02.2017. In that view of the matter, I have no hesitation to hold that the convict appellant is a fugitive from law and justice.

On a query from the Court Mr. M. Ataul Gani, the learned advocate appearing for the convict-appellant submits that who having failed to make any contact with his client and thereby he is not in a position to take any steps to extend the order of bail.

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. Monu Miah 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.