

Present
Mr. Justice Sheikh Abdul Awal
Criminal Appeal No. 7040 of 2015

Md. Tota Mia

.....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. Kohenoor Akter, A.A.G.

.....For the respondent

Judgment on 30.04.2024.

Sheikh Abdul Awal, J:

This Criminal Appeal at the instance of the convict appellant, Md. Tota Mia is directed against the impugned judgment and order of conviction and sentence dated 31.08.2015 passed by the learned Judge, Special Tribunal No. 4, Lalmonirhat in Special Tribunal Case No. 129 of 2013 arising out of G.R. No. 143 of 2013 (Aditmari) corresponding to Aditmari Police Station Case No. 15 dated 16.07.2013 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 3(three) years and to pay a fine of Taka 5,000/-(five thousand) in default to suffer simple imprisonment for 06 (six) months more

No one appears for the appellant.

In view of the fact that this petty old criminal Appeal arising out of 3(three) years sentence has been dragging before this Court for more than 8 years, I am inclined to dispose of the same.

At the time of pronouncement of judgment, it appears from the record that this Court by order dated 13.09.2015 after 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 13.03.2016. 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. The convict-appellant, Md. Tota Mia 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.