

**Present**  
**Justice Sk. Tahsin Ali**

**Criminal Revision No. 1303 of 2015**

Abul Kalam

.....Convict-petitioner

-Versus-

The State

----- opposite party

Mr. Mohammad Giasuddin, Advocate

.... for the petitioner

Mr. Md. Mizanur Rahman, DAG with

Mr. Md. Ahidul Islam, AAG

Mr. Abdullahil Maruf Fahim, AAG

Ms. Nasima Khatun, AAG

----- For the State.

**Heard on: 07.05.2026, 10.05.2026 and**

**Judgment on: 18.05.2026**

The Rule was issued calling upon the opposite parties to show cause as to why the impugned judgment and order of conviction and sentence dated 08.07.2015 passed by the learned Senior Sessions Judge, Laxmipur in Criminal Appeal No. 17 of 1999 upholding the judgment and order of conviction and sentence dated 25.08.1999 passed by the learned Additional District Magistrate, Laxmipur in G.R. No. 65 of 1993 convicting the petitioner under Section 326 of the Penal Code and sentencing him to suffer rigorous imprisonment for 7(seven) years and to pay fine of Tk. 10,000/- (ten thousand) in default to

suffer simple imprisonment for 1(one) year more, should not be set aside and/or pass such other or further order or orders as to this Court may seem fit and proper.

The prosecution case, in short is that one Fazlul Karim lodged an FIR in the Ramgati P.S. alleging inter alia that on 09.06.1993 at 9:00 P.M. the convict petitioner along with 3 others caused grievous hurt to his daughter Momtaj Begum by throwing acid on her body and thereby committed offence under Section 326 (A) of the Penal Code and hence the case.

It appears from the record that at the time of issuance of the Rule on 10.09.2015, the convict-petitioner was granted bail for a period of 6(six) months. Thereafter, the bail order extended till disposal of the Rule.

It also appears from the record that after investigation police submitted charge sheet being No. 73 dated 01.09.1993 against all the accused persons including this convict-petitioner under Section 326(A) of the Penal Code. Thereafter the case was transferred to the Sessions Judge, Laxmipur and the learned judge framed charge against all the accused under Section 326(A) of the Penal Code and sent the case to the Additional

District Magistrate, Laxmipur for trial. The prosecution examined nine witnesses and on behalf of the defense no one examined. On 25.08.1999 the judgment and order passed by the Additional District Magistrate, Laxmipur that all the four accused persons were found guilty and convicted and sentenced to 7(seven) years imprisonment and fine of Tk. 10,000/- (ten thousand) and in default to imprisonment for 1(One) year more. Thereafter, the principle accused Md. Hannan and Md. Loqman Hossain alias Babul preferred Criminal Appeal No. 16 of 1999 before the learned Additional Sessions Judge, Laxmipur and the learned court pleased to allow the appeal and acquitted the accused Md. Hannan and Md. Loqman Hossain from the charge under Section 326 of the Penal Code. On 08.07.2015 on the same facts, the learned Senior Session Judge, Laxmipur dismissed the Criminal Appeal No. 17 of 1999. Being aggrieved by the judgment and order dated 08.07.2015 passed by the learned Senior Session Judge, Laxmipur the convict-petitioner preferred this Criminal Revision.

Mr. Mohammad Giasuddin, learned advocate appearing on behalf of the convict-petitioner while learned Deputy Attorney

General with Mr. Md. Ahidul Islam, AAG, Mr. Abdullahil Maruf Fahim and Ms. Nasima Khatun, A.A.G. appeared for the state.

Mr. Mohammad Gias Uddin, learned advocate appearing on behalf of the convict-petitioner, categorically submits that the Medical Officer of this case turn up before the trial court as PW-6 and stated in his deposition as follows:

“Moreover superficial layer of skin also burnt over the chest at ventral aspect and both the breast at irregular manner. Left breast to names were painted Hannan+ Mamata. Injured area became balckish. I referred the patient for immediate Hospital. All injury may caused by toxic liquid. Time of injury was about 9:00 hours old.”

In support of this medical certificate, PW-1 in his examination in chief disclosed that the victim was admitted to Maizdi Hospital after 2(two) days from the date of occurrence, however, no such treatment report relating to the injury of the victim has been found in the record. The learned advocate for the

convict-petitioner further submits that after pronouncement of the judgment by the Chief Judicial Magistrate, Laxmipur, the convict-petitioner preferred an appeal in due time. During pendency of the appeal, the convict-petitioner was enlarged on bail by this Hon'ble court vide order dated 27.8.2001. He categorically stated that the convict-petitioner has already been served out about 3(three) years out of total sentence of 7(seven) years.

Mr. Md. Mizanur Rahman, learned Deputy Attorney appeared for the state opposes the Rule.

Heard the learned Advocate for the convict-petitioner Deputy Attorney General for the state. It appears that during pendency of the appeal, as per the statement recorded under Section 164 of the Code of Criminal Procedure made by the accused Hannan and Lockman, with the medical report and the FIR story completely support that the alleged occurrence was committed by accused Hannan against the victim. It is also appears from the statement by the victim, namely Momotaj Begum, before the Thana Magistrate, Companygonj, Noakhali on 17.06.1993, wherefrom it was disclosed that the convict-

accused Hannan was intention upon the victim and Hannan alone committed offence upon the victim and caused the injuries out of anger and frustration while the victim Momotaj was denied to marry the accused Hannan and put his signature mark upon the victim, which found at the time of physical examination of the victim. The accused Hannan has already been discharged by the appellate Court and the present convict-petitioner stands on the better footing. Therefore, the convict-petitioner is entitled to be dealt with the accused Hannan, the main perpetrator.

Considering the facts and circumstances of the case, I find merit in the Rule.

In the result, the Rule is made absolute and the judgment and order of conviction and sentence dated 08.07.2015 passed by the learned Senior Sessions Judge, Laxmipur in Criminal Appeal No. 17 of 1999 is hereby set aside.

Send down the Lower Court Record at once.

Communicate the judgment and order at once.

**Shokat (B.O.)**