

District- Barguna
Tender No.69609

In the Supreme Court of Bangladesh
High Court Division
(Criminal Miscellaneous Jurisdiction)

Criminal Misc. Case No. _____ of 2024

In the matter of:

An application under section 498 of the Code of
Criminal Procedure.

-And-

In the matter of:

Md. Kabir Khan

.... Accused-Petitioner

-Versus-

The State

.... Opposite Party

Mr. Md. A. Awual, Advocate

.... For the accused-Petitioner.

Mr. Noor Us Sadik Chowdhury, D.A.G. with

Mr. Moududa Begum, A.A.G.

Mr. Mirza Md. Soyeb Muhit, A.A.G.

Mr. Mohammad Selim, A.A.G.

Mr. Zahid Ahmed (Hero), AAG

.... For the State.

Present:

Mr. Justice S M Kuddus Zaman

And

Mr. Justice A.K.M. Rabiul Hassan

The 30thApril 2024

This is an application under Section 498 of the Code of
Criminal Procedure for bail.

Let the Supplementary Affidavit be formed part of the main application.

In this case under Sections 302/201/34 of the Penal Code the accused petitioner has made a confession under Section 164 of the Code of Criminal Procedure which appears to be inculpatory in nature.

On consideration of above materials on record we are not inclined to grant bail to the petitioner at this point of time but we feel it necessary to pass a direction upon the Trial Court below for conclusion of the trial of the case expeditiously.

Accordingly, we are directing the learned Additional Session Judge, Borguna to conclude the trial of the case within 6(six) months from the date of receipt of this order without allowing any adjournment beyond 15(fifteen) days.

The days covered by the adjournment at the instance of the accused be excluded from above period.

But if the learned Judge fails to conclude the trial within above period he will have to explain in writing to this Court

through the Registrar General, Supreme Court of Bangladesh as to why the trial could not be concluded.

The learned Judge shall also consider the petition for bail if any filed by the petitioner with sympathy and in accordance with law.

The Superintendent of Police, Barguna is directed to ensure that the prosecution witnesses are produced before the Trial Court on the date to be fixed by the Court without any fail.

The Public Prosecutor, Barguna is directed not to submit any petition for adjournment if any prosecution witness appears to give evidence.

Let copies of this order be sent to the Registrar General, Supreme Court of Bangladesh, learned Additional Session Judge, Barguna, Superintendent of Police, Barguna and Public Prosecutor, Barguna at once.

With above direction this application is disposed of.

MD. MASUDUR RAHMAN
BENCH OFFICER