

International Crimes Tribunal

ICT-BD Misc. Case (Contempt) No. 04 of 2013 [ICT-2]

Chief Prosecutor –Vs-Selim Uddin & others

Order No.25

Dated: 25.07.2018

The record relating to ICT-BD Misc. Case (Contempt) No. 04 of 2013[ICT-2] as has been listed in the supplementary cause list is being taken up under the provision of Rule 46A (2) for hearing of an application submitted by a convicted contemnor Hamidur Rahman Azad , MP [former] . The Misc. Case relates to contempt proceeding.

Mr. Abdus Sobhan Tarafdar, the learned counsel being assisted by Mr. Muzahidul Islam, the learned counsel for the convicted-contemnor Hamidur Rahman Azad, MP [former] and now the Assistant Secretary General of Bangladesh Jamaat-e-Islami has come up with an application seeking bail for him on the grounds stated therein.

The learned counsel chiefly submitted that the convicted contemnor has decided to prefer appeal against the order dated 09.06.2013 convicting and sentencing in the ICT-BD Misc. Case No. 04 of 2013 before the Appellate Division and thus he may be set at liberty on bail.

Mr. Zead-Al-Malum, the learned prosecutor vehemently opposing the prayer seeking bail submitted that the convicted contemnor did not prefer to surrender before the Tribunal and now long more than five years after the order rendered he by surrendering before the Tribunal has come up with an application seeking bail which deserves no consideration.

It appears from the order dated 09.06.2013 rendered in the ICT-BD Misc. Case No. 04 of 2013 that the convicted- contemnor Hamidur Rahman Azad, MP [former]

and now the Assistant Secretary General of Jamaat-e-Islami was punished and awarded sentence of simple imprisonment of three (03) months together with a fine of Taka Three (03) thousand under section 11(4) of the Act of 1973 and in the event of default which was ordered to undergo simple imprisonment for a period of two weeks more.

It further appears that the convicted- contemnor Hamidur Rahman Azad, MP [former] and now the Assistant Secretary General of Bangladesh Jamaat-e-Islami did not care to surrender earlier. Long more than five years after he was convicted and sentenced today he surrendered before the Tribunal and has prayed for bail.

The convicted contemnor does have right to prefer appeal against the order convicting and sentencing him for contempt. But since the impugned order says that the sentence awarded upon him shall come into effect from the date of his arrest or the date of his surrender, whichever is earlier. Thus, now we do not find any reason to consider the prayer seeking bail. We are not convinced with the submission advanced by the learned counsel for the convicted contemnor.

In view of above the prayer seeking bail is rejected and in view of the order dated 09.06.2013 passed in the ICT-BD Misc. Case No. 04 of 2013[ICT-2] the convicted- contemnor Hamidur Rahman Azad, MP [former] and now the Assistant Secretary General of Bangladesh Jamaat-e-Islami be sent to prison to suffer the sentence so awarded. **Issue conviction warrant accordingly.**

Let the convicted contemnor be sent to prison to suffer the sentence awarded as above together with the conviction warrant and a copy of this order at once.

(Justice Md. Shahinur Islam, Member)

(Justice Amir Hossain, Member)

(Justice Md. Abu Ahmed Jamadar, Member)