

# **International Crimes Tribunal-1**

## **Old High Court Building, Dhaka, Bangladesh**

**ICT-BD [ICT-1] Case No. 08 of 2016**

**Present:**

**Justice Anwarul Haque, Chairman**  
**Justice Md. Shahinur Islam, Member**  
**Justice Md. Shohrowardi, Member**

**Chief Prosecutor**

**vs.**

**(1) Md. Akmal Ali Talukder**  
**(2) Abdun Nur Talukder alias Lal Miah [absconded]**  
**(3) Md. Anis Miah [absconded], and**  
**(4) Md. Abdul Mosabbir Miah [absconded]**

**Order No. 09**

**Date: 07.05.2017**

Mr. Syed Haider Ali, Prosecutor

..... For the prosecution

Mr. Abdus Sobhan Tarafder, Advocate

..... For accused Md. Akmal Ali Talukder

Mr. Mohammad Abul Hasan, Advocate

.....For absconding accused Abdun Nur Talukder alias Lal Miah,  
Md. Anis Miah and Md. Abdul Mosabbir Miah as State  
defence counsel.

### **[Decision on charge framing matter]**

Today is fixed for passing decision on charge framing matter, and as such, the record is taken up for order. Out of 4[four] accused persons one accused Md. Akmal Ali Talukder, in custody, is being defended by his engaged counsel Mr. Abdus Sobhan Tarafder and other 3[three] accused Abdun Nur Talukder alias Lal Miah, Md. Anis Miah and Md. Abdul Mosabbir Miah, who have been absconding, are being defended by Mr. Mohammad Abul Hasan, Advocate as State defence counsel, appointed by this Tribunal at the cost of the State. The hearing on charge framing matter took place in presence of accused Md.

Akmal Ali Talukder who has been brought today before this Tribunal from prison.

At the out set, it is to be noted that the 'formal charge' was submitted by the prosecution before this Tribunal against 4(four) accused persons and this Tribunal on 15.06.2016 took cognizance of offences against all the accused persons and then the case came to the stage of charge hearing matter and on 12.01.2017 charge framing matter was heard.

The case involves the criminal acts forming part of systematic attack constituting the offences as enumerated in the International Crimes (Tribunals) Act, 1973 [Act No. XIX of 1973] perpetrated in 1971 during the war of liberation of Bangladesh. The accused persons are alleged to have committed many such offences in the localities under Rajnagar Police Station of the then Moulavibazar Sub-Division [now district]. We deem it expedient to provide a brief context of the case, succinct arguments put forward by the prosecution and defence before this Tribunal, before we render decision on charge framing matter.

### **1. Introductory words**

This International Crimes Tribunal-1 (hereinafter referred to as the “Tribunal”) has been set up under the International Crimes (Tribunals) Act enacted in 1973 (hereinafter referred to as the “Act”) by Bangladesh Parliament. The Act which is meant for the detention, prosecution and punishment of persons for genocide, crimes against humanity, war crimes and other crimes under international law is *ex-post facto* legislation. It is to be noted that the ICTY, ICTR and SCSL the Adhoc Tribunals backed by the

United Nations (UN) have been constituted under their respective retrospective Statutes. Only the International Criminal Court [ICC] is founded on prospective Statute [Rome Statute]. The 1973 Act of Bangladesh has the merit and means of ensuring the standard of safeguards recognized universally to be provided to the person accused of crimes against humanity, genocide, war crimes and other crimes under international law.

## **2. Brief Historical Background**

The dreadful systematic events constituting the offences of genocide and crimes against humanity as narrated in the formal charge allegedly occurred in different localities under Rajnagar Police Station of the then Moulavibazar Sub-Division [now district] were part of horrific atrocious activities carried out in 1971 during the war of liberation directing the unarmed pro-liberation civilians in furtherance of common plan and design of Pakistani occupation army.

The undisputed history says that atrocious and dreadful crimes were committed during the nine-month-long war of liberation in 1971, which resulted in the birth of Bangladesh, an independent State and the motherland of the Bengali nation. Some three million people were killed, nearly a quarter million women were raped and over 10 million people were forced to deport to India to escape from brutal persecution at home, during the nine-month battle and struggle of Bengali nation.

The history goes on to portray that in the general election of 1970, the Awami League under the leadership of Bangabandhu Sheikh Mujibur Rahman became the majority party of Pakistan. But defying the democratic norms Pakistan government did not care to respect this overwhelming majority. As a result, movement started in the territory of this part of Pakistan and Bangabandhu Sheikh Mujibur Rahman in his historic speech of 7th March, 1971, called on the Bengali nation to struggle for independence if people's verdict was not respected. In the early hour of 26th March, following the onslaught of "Operation Search Light" by the Pakistani Military on 25th March, Bangabandhu declared Bangladesh independent immediately before he was arrested by the Pakistani authorities.

The 'operation' was designed to disarm and liquidate Bengali policemen, soldiers, politicians and military officers and to arrest and kill and round up professionals, intellectuals, civilians belonging to Hindu community and students. Afterwards, actions in concert with its local collaborators belonging to Razakar, Al-Badar and the key pro-Pakistani political organizations Jamaat-e- Islami (JEI) and Nejam-e-Islami were intended to stamp out the Bengali national liberation movement and to mash the national feelings and aspirations of the Bengali nation.

The Pakistan government and the military formed Peace Committee as an 'associate organization' and number of auxiliary forces such as the Razakar, the Al-Badar, the Al-Shams, etc, essentially to act as a collaborating team with the Pakistani occupation army in identifying and eliminating all those who

were perceived to be pro-liberation, individuals belonging to minority religious groups especially the Hindus, political groups belonging to Awami League and Bengali intellectuals and unarmed civilian population of Bangladesh.

Incontrovertibly the way to self-determination for the Bengali nation was strenuous, swabbed with enormous blood, strive and sacrifices. In the present-day world history, conceivably no nation paid as extremely as the Bengali nation did for its self-determination. The events alleged in the formal charge constituting the offences of genocide and crimes against humanity occurred in different localities under Rajnagar Police Station of the then Moulavibazar Sub-Division [now district] mirror a partial scenario of totality of horrendous activities accomplished in violation of customary international law with the culpable facilitation and assistance provided by the local collaborators.

### **3. Brief account of the accused persons**

#### ***(i) Md.Akmal Ali Talukder***

Accused Md. Akmal Ali Talukder [73], son of late Ameer Ali Talukder and late Kulsuma Bibi of Village Pachgaon, Police Station Rajnagar, District Moulavibazar was born on 01.12.1939 [as per voter list]. Since before 1971 he was involved in the politics of Muslim League. During the war of liberation in 1971, he became a member of Pachgaon Union Peace Committee and also joined the local Razakar Bahini and he was involved in the commission of offences of genocide and crimes against humanity, prosecution alleges.

#### ***(ii) Abdun Nur Talukder alias Lal Miah [absconded]***

Accused Abdun Nur Talukder alias Lal Miah [63], son of late Abdul Gafur Talukder and late Samarun Begum of Village Jalalpur, Police Station Rajnagar, District Moulavibazar was born on 10.12.1952 [as per voter list]. Since before 1971 he was directly involved in the politics of Muslim League. During the war of liberation in 1971, he was involved in the commission of offences of genocide and crimes against humanity as a potential member of local Razakar Bahini, prosecution alleges. Now, he is a supporter of Jamaat-e-Islami [JEI].

***(iii) Md. Anis Miah***

Accused Md. Anis Miah [76], son of late Babru Miah and late Subeja Khatun of Village Poschimbag [Kanikiyari], Police Station Rajnagar, District Moulavibazar was born on 20.12.1938 [as per voter list]. Prosecution alleges that during the war of liberation in 1971, he was a potential member of local Razakar Bahini and he was involved in the commission of offences of genocide and crimes against humanity. Now, he is an active supporter of Jamaat-e-Islami [JEI] .

***(iv) Md. Abdul Mosabbir Miah***

Accused Md. Abdul Mosabbir Miah [64], son of late Babru Miah and late Subeja Khatun of Village Poschimbag [Kanikiyari], Police Station Rajnagar, District Moulavibazar was born on 12.06.1951 [as per voter list]. In 1971, during the war of liberation he was a member of local Razakar Bahini

and he was involved in the commission of offences of genocide and crimes against humanity. At present, he is an active supporter of Jamaat-e-Islami[JEI].

#### **4. Brief Procedural History**

The Chief Prosecutor submitted 'formal charge' against 4 [four] accused persons on having considered the investigation report and documents submitted therewith by the Investigating Agency. This Tribunal on 15.06.2016 took cognizance of offences against all the accused persons as mentioned above. Out of the 4[four] accused persons one accused Md. Akmal Ali Talukder has been in detention and other 3[three] accused persons neither could have been arrested nor did he surrender.

On 15.06.2016 this Tribunal took cognizance of offences, perpetration of which has been unveiled in course of investigation and on 18.10.2016 ordered publication of notice in two daily newspapers as required under Rule 31 of the International Crimes (Tribunal-1) Rules of Procedure, 2010 against the absconding accused Abdun Nur Talukder alias Lal Miah, Md. Anis Miah and Md. Abdul Mosabbir Miah as the execution of warrant of arrest issued against them earlier was found unserved.

Accordingly, despite publication of the notice in two daily newspapers namely, 'The Daily Janakantha' and 'The Daily Dhaka Tribune' both dated 19.10.2016 the absconding 3[three] accused persons did not make them surrendered, and as such, this Tribunal ordered for holding trial *in absentia* against them and appointed Mr. Mohammad Abul Hasan, Advocate to defend

the absconding accused persons as State defence counsel. This Tribunal fixed 12.01.2017 for hearing the charge framing matter and on the date fixed this Tribunal-1 heard the charge framing matter and fixed today i.e. .... for decision on it.

The record goes to show that on holding investigation on some atrocious events allegedly committed in 1971 during the war of liberation in systematic manner directing unarmed civilians in different localities under Rajnagar Police Station of the then Moulavibazar Sub-Division [now district] by the local Razakars accompanied by the Pakistani occupation army, the Investigating Agency submitted its investigation report finding all the accused persons *prima facie* responsible for the atrocities before the Chief Prosecutor.

The Chief Prosecutor considering the nature, pattern of the alleged atrocious events and culpable participation and involvement of all the accused persons preferred to submit a single 'formal charge' with a view to prosecute them jointly.

It appears that the 'formal charge' submitted discloses that the accused persons allegedly participated or facilitated or abetted or contributed or aided or had complicity in the commission of the alleged offences and they appear to have allegedly acted in furtherance of common plan and design to the accomplishment of such offences, and therefore, all the accused persons may be jointly prosecuted as permissible under Rule 36 of the Rules of Procedure, 2010 of this Tribunal-1.



## **5. Submission advanced by the Prosecutor**

Mr. Syed Haider Ali, the learned prosecutor made his submission, drawing our attention to the documents and statement of witnesses collected during investigation. He submitted that the accused persons were the local Razakars during the war of liberation in 1971. They along with their accomplices belonging to infamous Razakar Bahini accompanied by the Pakistani occupation army had systematically and deliberately carried out atrocious activities directing pro-liberation civilians around the localities under Rajnagar Police Station of the then Moulavibazar Sub-Division. Role of the accused persons in accomplishing the alleged crimes in 1971 during the war of liberation was culpable and in furtherance of common plan and design of the Pakistani occupation army. The events of attacks as demonstrated in the formal charge involve genocide and killing of unarmed pro-liberation civilians and other crimes against humanity and all the accused persons actively participated, abetted, aided, facilitated, contributed and had complicity in the commission thereof.

The learned prosecutor went on to submit that the accused persons were the members of local infamous Razakar Bahini, an auxiliary force of Pakistani occupation army and in 1971 that Bahini was formed intending to collaborate with the Pakistani occupation army in carrying out horrific atrocious activities in furtherance of common plan and design of annihilating the pro-liberation Bengali civilians and freedom-fighters. The accused persons need to be

indicted for the offences they had committed in the context of war of liberation in 1971 in the territory of Bangladesh.

## **6. Submission advanced by the defence side**

Mr. Abdus Sobhan Tarafder, the learned counsel appearing on behalf of accused Md. Akmal Ali Talukder by filing an application seeking discharge of the accused submitted that accused Md. Akmal Ali Talukder is quite innocent and he was not involved with any offences as mentioned in the formal charge submitted by the prosecution and he was not a member of local Razakar Bahini.

Mr. Abdus Sobhan Tarafder, the learned defence counsel further submitted that the allegations set up in the formal charge do not disclose or state specificity of general particulars and the required elements to constitute the offences as enumerated in section 3(2) of the Act of 1973. The formal charge is based on vague and unspecified allegations and it does not disclose the mode of participation of the accused Md. Akmal Ali Talukder with the alleged unlawful acts. This accused is quite innocent and he has been falsely implicated in this case, and as such, he is liable to be discharged.

Mr. Mohammad Abul Hasan appearing for absconding accused Abdun Nur Talukder alias Lal Miah, Md. Anis Miah and Md. Abdul Mosabbir Miah as State defence counsel by filing a separate application seeking discharge of the absconding accused persons also submitted that these accused persons are quite innocent and they were never Razakars and they were not involved with

the criminal acts as mentioned in the formal charge submitted by the prosecution.

Mr. Mohammad Abul Hasan further submitted that unexplained inordinate delay of more than four decades occurred in prosecuting the accused persons impairs the truthfulness of the arraignment brought and it reflects political motive too. Such inordinate delay of more than 40 years should have been explained in the formal charge submitted under section 9(1) of the Act of 1973 which is the foundation of the case. The absconding accused persons have been falsely implicated in this case, and as such, they are liable to be discharged.

## **7. Deliberation and decision with reasoning**

We have meticulously gone through the formal charge, statement of witnesses and the documents submitted. It appears that the prosecution by submitting formal charge alleges that the accused persons participated, facilitated, abetted, aided, contributed and had complicity in the commission of crimes as enumerated in the Act of 1973, by their acts and conducts forming a part of systematic attack directing civilian population in 1971 during the war of liberation in the localities under Rajnagar Police Station of the then Moulavibazar Sub-Division.

All the accused persons have been proposed by the prosecution to be indicted for the alleged events of attacks constituting the offences of genocide and crimes against humanity as narrated in the formal charge. Out of 4[four] accused persons 3[three] accused persons have been absconding and

proceeding is going on in their *absentia* in compliance with legal requirements as contemplated in the Act and the ROP, 2010.

The allegations brought do not constitute isolated crimes. Those are alleged to have been committed in war time situation directing civilians in systematic manner. The undeniable context prevailing in 1971 in the territory of Bangladesh is itself sufficient to the unerring inference of a 'widespread and systematic attack' on Bangladeshi self-determined population. Therefore, the offences committed under this context and in violation of customary international law during 1971 liberation war, patently demonstrate that those were of course consequence of part of a 'widespread' or 'systematic' attack directed against the unarmed civilian population. Under section 19(1) of the Act of 1973, the Tribunal can take judicial notice of the above context that must prompt a person of common prudence that the offences of genocide and crimes against humanity as mentioned in section 3(2)(a) (c) of the Act of 1973 were inevitably the effect of part of widespread or systematic attack.

Prosecution, at this stage, alleges that the accused persons belonging to local Razakar Bahini accompanied the group of Razakars and Pakistani occupation army which had committed the offences of genocide and crimes against humanity, in conjunction with the attack. *Prima facie* the formal charge, statement of witnesses and documents submitted demonstrate the accused persons' culpable complicity, act and conduct with the perpetration of offences alleged. But however, culpability and role of them or any of them can

be well adjudicated only on holding trial. And till then they shall be presumed innocent.

It is now settled that the offences of genocide and crimes against humanity are considered as ‘group crime’ and these are not perpetrated by a single individual. But however, an individual may participate to the actual commission of the principal crime by his act or conduct, before or midst or after the crime committed. In this regard, the Tribunal notes that in adjudicating culpability of the person accused of offences, context and situations prevailing at the relevant time i.e the period of war of liberation in 1971[ March 25 to December 16, 1971] together with his acts, conducts, attitude and association of any organization, if any, are to be considered. It may be well resolved on evaluation of evidence to be presented during trial.

We are not with the submission extended by the learned State defence counsel Mr. Mohammad Abul Hasan on point of delay in prosecuting the accused persons. As regards delay in prosecuting the suspect offenders we reiterate that the victims of systematic and organised diabolical atrocities committed in 1971 within the territory of Bangladesh in violation of customary international law need justice to heal. State has an obligation to remedy serious human rights violations. Bangladesh recognizes Article 8 of the Universal Declaration of Human Rights [UDHR] and Article 2(3) of the International Covenant of Civil and Political Rights [ICCPR] which ensure the right to an effective remedy for the violation of human rights. And in providing effective

remedy to the victims and their families, delay itself cannot stand as a bar in prosecuting an individual offender under the Act of 1973.

At this stage, it cannot be determined conclusively whether the accused persons belonged to local Razakar Bahini. It is a question of fact that can be effectively resolved only on trial and considering the totality of evidence to be provided by the prosecution. Besides, it would be relevant to reiterate that the Act of 1973 is meant to prosecute and punish not only the armed forces and the perpetrators who belonged to 'auxiliary forces', but also to prosecute and punish an 'individual' or member of 'group of individuals' who committed the offences enumerated in the Act of 1973. It is quite manifested from section 3(1) of the Act of 1973 that even any person (individual or member of group of individuals), if he is *prima facie* found individually criminally responsible for the offence(s), can be brought to justice under the Act of 1973. Already it has been well resolved.

It is settled that mere framing charge does not prove one's guilt. The accused persons shall be presumed innocent until they are found guilty of the offences alleged. However, now, we are convinced, on going through the statement of witnesses and materials on record, to *prima facie* conclude that there have been sufficient grounds of proceeding.

At this stage, the formal charge and the statement of witnesses *prima facie* demonstrate that the accused persons enthusiastically sided with the policy and plan of the Pakistani occupation army and had allegedly carried out horrific activities of genocide and crimes against humanity, and as such, the

submission made by the learned defence counsels seeking discharge of the accused persons does not deserve consideration, and therefore, the applications seeking discharge of the accused persons are hereby rejected.

**Accordingly,** now we proceed to read out the charges framed. On perusal of the formal charge, statement of witnesses along with other documents submitted by the prosecution we are of the view that there are sufficient and substantial materials and grounds before the Tribunal to frame charges against accused (1) Md. Akmal Ali Talukder (2) Abdun Nur Talukder alias Lal Miah [absconded] (3) Md. Anis Miah [absconded], and (4) Md. Abdul Mosabbir Miah [absconded] for the offences allegedly committed during the war of liberation in 1971 as specified under section 3(2)(a)(c)(g)(h) of the Act of 1973 for which they are alleged to be criminally liable under section 4(1) of the said Act. The charges are thus framed against them in the following manner:

### **Charges**

**We,**

**Justice Anwarul Haque, Chairman**  
**Justice Md. Shahinur Islam, Member**  
**Justice Md. Shohrowardi, Member**

**Of the International Crimes Tribunal -1**

**Hereby charge you,** accused (1) Md. Akmal Ali Talukder, son of late Ameer Ali Talukder and late Kulsuma Bibi of Village Pachgaon, Police Station Rajnagar, District Moulavibazar (2) Abdun Nur Talukder alias Lal Miah [absconded], son of late Abdul Gafur Talukder and late Samarun Begum of Village Jalalpur, Police Station Rajnagar, District Moulavibazar (3) Md. Anis

Miah [absconded], son of late Babru Miah and late Subeja Khatun of Village Poschimbag [Kanikiyari], Police Station Rajnagar, District Moulavibazar, and (4) Md. Abdul Mosabbir Miah [absconded], son of late Babru Miah and late Subeja Khatun of Village Poschimbag [Kanikiyari], Police Station Rajnagar, District Moulavibazar as follows:

### **Charge No. 01**

**[Genocide and abduction, confinement, torture, rape, looting and arson committed at Pachgaon village under Rajnagar Police Station of the then Moulavibazar Sub-Division]**

That on 07.05.1971 at about 03.00 A.M. a group of about 70/80 Pakistani occupation army men and Razakars along with you the Razakars accused (1) Md. Akmal Ali Talukder (2) Abdun Nur Talukder alias Lal Miah (3) Md. Anis Miah, and (4) Md. Abdul Mosabbir Miah attacked Hindu populated Pachgaon village under Rajnagar Police Station of the then Moulavibazar Sub-Division and assaulted numerous women including Provasini Malakar, Gitarani Shobdokar, Mayarani Shobdokar wife of Subodh Shobdokar, Mayarani Shobdokar wife of Shibu Shobdokar, Promodini [Ful Bibi] and Sharala Rani Shobdokar who were then raped by the Pakistani occupation army men and Razakars. In conjunction with the said attack you the accused persons and your cohort Razakars and Pakistani occupation army men looted about 102 houses including the houses of Subol Malakar and Surendra Malakar and put more than 132 houses on fire.



In conjunction with the same attack, you the accused persons and your cohort Razakars and Pakistani occupation army men on the same day [07.05.1971] having captured about 60/65 unarmed pro-liberation Hindu people from the said village Pachgaon made them assembled at the south-west part of Sarkar dighi situated at the house of Advocate Horikinkor Das and tortured them there and, thereafter, with intent to destroy, in whole or in part, the Hindu religious group killed 59 Hindu religious people [list of martyrs is given in the formal charge] of the detained 60/65 unarmed pro-liberation Hindu people on the bank of the Sarkar dighi of Pachgaon village. However, 6/7 detained Hindu people could manage to escape through the north side of the bank of the dighi.

On the following day [08.05.1971] the collaborators of Pakistani occupation army having taken the 59 dead bodies of the Hindu religious people from the Sarkar dighi with the help of local people buried the same on the west south side of the dighi without following any religious rituals. Subsequently, a memorial has been established on the bank of Pachgaon Sarkar dighi memorising the sacrifices of the martyrs.

Thereby, you accused (1) Md. Akmal Ali Talukder (2) Abdun Nur Talukder alias Lal Miah (3) Md. Anis Miah, and (4) Md. Abdul Mosabbir Miah are hereby charged for participating, abetting, facilitating, contributing and complicity in the commission of offences of genocide and abduction, confinement, torture, rape and other inhumane acts [looting and arson] as crimes against humanity as part of systematic attack directed against unarmed

civilians as enumerated in section 3(2)(a)(c)(g)(h) of the Act of 1973 which are punishable under section 20(2) of the said Act for which you the accused persons have incurred liability under section 4(1) of the said Act.

### **Charge No. 02**

**[Abduction, confinement, torture, murder , looting and arson committed at Poschimbagh village, Rajnagar Police Station and Moulavibazar town]**

That on 24.11.1971 at about 01.00 A.M. a group of about 50 Pakistani occupation army men and Razakars along with you the Razakars accused (1) Md. Akmal Ali Talukder (2) Abdun Nur Talukder alias Lal Miah (3) Md. Anis Miah, and (4) Md. Abdul Mosabbir Miah having attacked the house of Binod Chakraborty of village Poschimbagh under Rajnagar Police Station of the then Moulavibazar Sub-Division looted the valuables of his house and captured Binod Chakraborty and Nikhil Ranjan Chakraborty therefrom and tortured Niranjan Chakraborty, younger brother of said Nikhil Ranjan Chakraborty and then put four dwellings on fire.

Thereafter, on the same day at about 05.00 A.M. you the accused persons and your cohort Razakars and Pakistani occupation army having taken the detainees i.e. Binod Chakraborty and Nikhil Ranjan Chakraborty away to the Rajnagar Police Station kept them confined and tortured there. Thereafter, the two detainees were taken away to the Moulavibazar army camp and subsequently you the accused persons and your cohort Razakars and Pakistani occupation army men killed them [two detainees] at the ' Bodhdhovumi' [slaughtering place] on the bank of Monu river nearby Moulavibazar town .

Even though their relatives scarched their dead bodies in all the probable areas including the bank of Monu river, but they were in vein.

Thereby, you accused (1) Md. Akmal Ali Talukder (2) Abdun Nur Talukder alias Lal Miah (3) Md. Anis Miah, and (4) Md. Abdul Mosabbir Miah are hereby charged for participating, abetting, facilitating, contributing and complicity in the commission of offences of abduction, confinement, torture, murder and other inhumane acts [looting and arson] as crimes against humanity as part of systematic attack directed against unarmed civilians as enumerated in section 3(2)(a)(g)(h) of the Act of 1973 which are punishable under section 20(2) of the said Act for which you the accused persons have incurred liability under section 4(1) of the said Act.

You accused Md. Akmal Ali Talukder, present on dock, has heard and understood the aforesaid charges which have been read over in open court in your presence.

**Question:** Do you plead guilty or not?

**Answer:**

The charges so framed have been read over in English and explained in Bengali to accused Md. Akmal Ali Talukder, present on dock, to which he pleaded not guilty and claimed to be tried.

Other 3[three] accused Abdun Nur Talukder alias Lal Miah, Md. Anis Miah and Md. Abdul Mosabbir Miah have been in absconsion, and as such,

they could not be asked whether they plead guilty or not, after reading over the charges framed against them in open court.

Let 04.07.2017 be fixed for opening statement and examination of prosecution witnesses. The trial shall be continuing on every working day until further order. Prosecution is directed to submit copy of all the documents it relies upon, for the purpose of furnishing the same with the defence, if meanwhile the same are not supplied to the defence. At the same time the defence counsels are directed to submit list of witnesses along with documents, if any, which the defence intends to rely upon, as required under section 9(5) of the Act of 1973 on or before the date fixed.

**(Justice Anwarul Haque, Chairman)**

**(Justice Md. Shahinur Islam, Member)**

**(Justice Md. Shohrowardi, Member)**