

# "Schoolboy's conviction by mobile court illegal: HC"

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THE High Court Division on Tuesday struck down a mobile court verdict that jailed 15-year old schoolboy Sabbir Shikdar for two years on the charge of possession of 100 grams of cannabis.

A vacation bench of Justice M Enayetur Rahim and Justice Ashish Rajgan Das gave the verdict while disposing a suo moto rule it had issued earlier.

Sabbir from Sakhipur, Tangail, a student of Class IX in the local Protima Bonki

Public High School, was acquitted of the charge.

The High Court Division also directed Tangail chief judicial magistrate to investigate into Sabbar's complaint that he was repeatedly subjected to torture

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## Schoolboy's conviction

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during three days of confinement at Sakhipur police station before he was handed the jail term on a fabricated charge that he held out death threats to local MP Anupam Shajahan Joy.

Sabbir submitted in the High Court that he was subjected to torture by the MP himself, Sakhipur Upazila Nirbahi Officer Mohammad Rafiqul Islam, who ran the mobile court in his office, and the officer-in-charge of Sakhipur police station Mohammad Moksudul Alam.

In the verdict, the bench directed the secretaries of home and public administration ministries and the inspector general of police to withdraw the UNO the OC and transfer them outside the Dhaka division in the interest of fair investigations into the complaints of the school student.

In the suo moto rule, the bench had earlier directed the UNO and the OC to explain by September 27 why the sentence handed to Sabbir by the mobile court on September 18 would not be

declared illegal.

The mobile court held by the UNO at his office jailed Sabbir for two years under the Information and Communication Technology Act on the allegation that he had posted on the Facebook wall of the MP of ruling Awami League, 'Your time is going to end.'

There was confusion regarding the law under which Sabbir was handed the jail term as no mobile court has jurisdiction over offences under the ICT Act.

Lawyers representing newspapers submitted in the hearing that after the limitation was pointed out, the UNO convicted Sabbir on the fabricated charge of possession of cannabis.

The bench gave the verdict after examination of affidavits submitted by the UNO and the OC.

Both were earlier summoned to explain their actions.

On orders from the bench Sabbir, freed from jail on interim bail, appeared following summons and narrated the harrowing experience he

suffered.

After examining the records the bench found that Sabbir was arrested on the night of September 16 following a general diary lodged earlier in the day by the MP.

The bench demanded to know from the lawyers of the UNO and the OC how the mobile court on September 18 jailed Sabbir for two years though possession of 100 grams of cannabis carries three year's jail.

The bench rebuked the mobile court for dealing with the matter though handing jail term for three years was beyond its jurisdiction.

The bench also raised the question how cannabis could be found in Sabbir's possession on September 18 when he was in the custody of police since September 16.

The bench also pointed out another gross irregularity the police committed by taking Sabbir to the police station after the mobile court in its verdict ordered them to lodge him in jail.

The bench found it intriguing that the mobile court's records relating to Sabbir's conviction were in the same handwriting for which the same ink was used.

How the testimonies of two eyewitnesses could be recorded in the same handwriting and the witness' signatures could be put in the same handwriting using the same pen and ink, the bench demanded to know from the lawyers defending the UNO and the OC.

The bench said that it found a report published by a daily highly intriguing as it had stated that executive magistrate while in the capital on leave convicted a man in Kurigram over mobile phone.

Supreme court lawyer Khurshid Alam Khan assisted the court on the proceedings.

SC lawyers Nurul Islam Sujon, MP and SM Rezaul Karim defended the UNO and the OC.

Lawyers raised a question whether a UNO could hold a mobile court in his office.