

**ICT-BD (ICT-2) Case No.02 of 2013**

The Chief Prosecutor -Versus- A.K.M. Yusuf (Accused)

Order No.51

**Dated 17.12.2013**

We have gone through the order dated 15.12.2013. Now pursuant to this order directing initiation of proceedings under section 11(4) of the Act of 1973 let a Miscellaneous Case be registered and numbered accordingly and let copy of the order dated 15.12.2013 be kept with it.

Heard the learned counsel on review application arising out of order debarring the learned conducting defence counsel Mr. Syed Mizanur Rahman. It is submitted that the order debarring the learned advocate even in any other case before this Tribunal should be reviewed so that he can defend other person (s) accused of other case before this Tribunal.

We have seen the application and the case record. We have rendered our order debarring Mr. Syed Mizanur Rahman with our detailed observations and reasonings. We do not find any ground to consider the application and as such the same is rejected.

Seen and perused the review applications (04) for recalling P.Ws 12,13,14,15,16,17 and 18 for cross-examination.

The learned defence counsel Mr. Saifur Rahman submitted that the above prosecution witnesses could not be cross-examined as Mr. Syed Mizanur Rahman did not show up before the Tribunal due to situation crupt up of 'blockade' called by political parties. It is further submitted that due to continuous absence of learned defence counsel the Tribunal already debarred him from appearing in the instant case and as such today a new counsel Mr. Mizanul Islam has been appointed and now he intends to cross-examine the prosecution witnesses as mentioned above, for ends of justice.

The learned prosecutor Mr. Syed Haider Ali opposes the application and submitted that the defence failed to cross-examine those witnesses for the fault of learned defence counsel and now the instant prayer doesn't conform with law.

Having regard to submissions extended by both sides, we are however convinced to afford opportunity to the defence to cross-examine the above mentioned witnesses, for ends of justice and to ensure defence right. At the same time the witnesses will have to incur inconveniences to come again before this Tribunal. It cannot be ignored.

However, all the 04 (four) review applications are allowed with cost of Tk.40,000/- (forty thousand) which is to be deposited to the Registrar, ICT by 19.12.2013. Let all the concerned orders closing cross-examination of above mentioned P.Ws are hereby recalled. On receipt of the cost, Registrar will make it transmitted to the learned Chief Prosecutor, ICT to meet the expenditure necessary for travel, fooding, lodging etc. of the witnesses. The Registrar also asked to inform it to the Tribunal.

Prosecution is directed to initiate process for bringing the witnesses (who will be cross-examined) accordingly.

Defence is allowed to cross-examine P.W.12, P.W.13, P.W.14 and P.W.15 on 23.12.2013 and 24.12.2013. Next, 29.12.2013 and 30.12.2013 are fixed for cross-examination of P.W.16, P.W.17 and P.W.18. Defence is directed to maintain this schedule strictly.

Justice Obaidul Hassan, Chairman  
Justice Md. Mozibur Rahman Miah, Member  
Justice Md. Shahinur Islam, Member