

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(SPECIAL ORIGINAL JURISDICTION)

**Writ petition No. 3201 of 2005**

Most. Sarifa Begum and others -vs-

Bangladesh and others

Mr. Md. Rafiqul Islam with

Mr. A.M. Mahbub Uddin

..... for the petitioner.

Mr. Md. Rafiqul Islam

..... for the respondent No. 6.

Mr. Justice Md. Abdul Matin

and

Mr. Justice Md. Rezaul Haque.

The 13<sup>th</sup> November, 2005.

Md. Abdul Matin. J:

This rule was issued calling upon the respondents to showcause as to why the accused persons Md. Shahed Ali, Jamir Ali, Md. Joynal Abedin, Md. Tajul Islam should not be allowed to defend and to take steps for retraction of confessional statement of the aforesaid accused which they were compelled to make in brutal torture and threat against their free will and or pass such other or further order or orders as to this court may seem fit and proper.

Heard the learned advocate and perused the application. It appears that no affidavit in opposition has been filed to contest the contention as raised in the write petition. More over it is not possible for this court to decide if the confession was obtained through torture. However it appears that if there is a confession and if there is allegation that it was not true and voluntary the accused must be given a chance to retract it if so advised by filling application for that purpose.

Retraction of confession is not unusual in our criminal jurisdiction and there fore we find no reason not to give the accused a chance to retract their confession. Accordingly the respondents are directed to allow the accused persons namely Md. Shahed Ali, Jamir Ali, Md. Joynal Abedin, Md. Tajul Islam to file application before the trial court for retraction of their confessions if so advised. But mere retraction will have no hearing on the ultimate decision of the trial court in holding whether the confess is true and voluntary. We the aforesaid direction this application is disposed of.

M.A. Matin.

Md. Rezaul Haque, J :

I agree.

Md. Rezaul Haque.

Mamun/26/1/2006.

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