

Criminal Law in Bangladesh

Criminal law in Bangladesh is primarily governed by the Penal Code 1860, a comprehensive statute inherited from British colonial rule, supplemented by special laws like the Women and Children Repression Prevention Act 2000, the Narcotics Control Act 2018, and others addressing specific offenses. It focuses on offenses against the state, individuals, or society, aiming to maintain public order and safety through punitive measures like imprisonment, fines, or capital punishment. The Code of Criminal Procedure 1898 regulates trial processes, while the Constitution of Bangladesh ensures protections like the prohibition of torture under Article 35(5). Below is an overview of key criminal laws and their punishments for violations, presented in a clear, copyable format. For official texts, refer to bdlaws.minlaw.gov.bd.

Key Offenses and Punishments:

- **Murder (Section 302, Penal Code 1860):** Intentionally causing death is punishable by death or life imprisonment, with a fine. Courts consider aggravating factors like brutality or mitigating factors like provocation.
- **Culpable Homicide Not Amounting to Murder (Section 304):** Causing death without intent to kill but with knowledge of likely harm carries up to life imprisonment or 7 years' imprisonment with a fine, depending on intent.
- **Attempt to Murder (Section 307):** Attempting to cause death with intent can lead to up to 7 years' imprisonment; if hurt is caused, up to life imprisonment or 7 years with a fine.
- **Rape (Section 376):** Sexual intercourse without consent is punishable by life imprisonment or rigorous imprisonment for 7-14 years, with a fine. The Women and Children Repression Prevention Act 2000 imposes life imprisonment or death for aggravated cases like gang rape or rape causing death.
- **Kidnapping (Sections 359-368):** Kidnapping from lawful guardianship (Section 361) carries up to 7 years' imprisonment and a fine. Kidnapping for ransom or murder (Section 364) also results in up to 7 years' imprisonment and a fine.
- **Theft (Sections 378-382):** Taking movable property without consent is punishable by up to 7 years' imprisonment, a fine, or both. Aggravated theft, like after preparation for causing death (Section 382), carries rigorous imprisonment up to 7 years and a fine.
- **Robbery (Section 392):** Theft with violence or threat carries up to 7 years' rigorous imprisonment and a fine; if committed at night, up to 14 years.

- **Dacoity (Section 395):** Robbery by five or more persons is punishable by life imprisonment or rigorous imprisonment up to 7 years, with a fine.
- **Criminal Breach of Trust (Section 406):** Dishonestly misappropriating entrusted property results in up to 7 years' imprisonment and a fine.
- **Cheating (Section 417):** Deceiving someone to cause wrongful loss carries up to 1 year's imprisonment, a fine, or both; cheating with intent to cause significant harm (Section 420) carries up to 7 years' imprisonment and a fine.
- **Defamation (Section 500):** Harming someone's reputation through spoken or written words is punishable by up to 2 years' simple imprisonment, a fine, or both.
- **Assault or Criminal Force (Section 352):** Using force without grave provocation carries up to 3 months' imprisonment, a fine up to 500 taka, or both. Assault with intent to outrage modesty (Section 354) carries up to 2 years' imprisonment, a fine, or both.
- **House-Trespass (Section 448):** Unlawful entry into a dwelling carries up to 1 year's imprisonment, a fine up to 1,000 taka, or both; aggravated trespass, like lurking with intent to commit an offense (Section 457), carries up to 7 years' imprisonment and a fine.
- **Forgery (Section 465):** Creating false documents with intent to deceive is punishable by up to 7 years' imprisonment and a fine; forging valuable securities (Section 467) carries life imprisonment or up to 7 years with a fine.
- **Public Nuisance (Section 268):** Acts causing common injury or annoyance carry a fine up to 200 taka; specific nuisances, like polluting water (Section 277), carry up to 3 months' imprisonment, a fine up to 500 taka, or both.
- **Waging War Against the State (Section 121):** Waging or attempting to wage war against Bangladesh carries the death penalty or life imprisonment, with a fine.
- **Dowry-Related Offenses (Dowry Prohibition Act 1980):** Demanding or giving dowry is punishable by up to 5 years' imprisonment, a fine, or both. Causing death due to dowry (Women and Children Repression Prevention Act 2000) carries a mandatory death penalty.
- **Narcotics Offenses (Narcotics Control Act 2018):** Possessing or trafficking small quantities of drugs like cannabis (up to 2 kg) carries 2-7 years' imprisonment; larger quantities or hard drugs like heroin (over 25g) carry life imprisonment or death, with fines up to 1 lakh taka.

- **Cybercrimes (Digital Security Act 2018, repealed; now Cyber Security Act 2023):**
Unauthorized access, hacking, or spreading false information carries 3-14 years' imprisonment or fines up to 1 crore taka. Defamation or hurting religious sentiments carries up to 5 years' imprisonment or fines up to 25 lakh taka under the CSA 2023.

Implementation and Additional Notes:

Criminal trials follow the Code of Criminal Procedure 1898, with bailable and non-bailable offenses. Non-bailable offenses like murder or dacoity often require court approval for bail, leading to prolonged detention. The Penal Code allows corporal punishment in some cases (e.g., whipping for certain thefts), but this is rarely applied, and torture is prohibited under Article 35(5) of the Constitution. Capital punishment is reserved for grave offenses like murder, waging war, or dowry-related deaths, with execution methods including hanging. The judiciary, led by the Supreme Court, ensures due process, but issues like delayed trials and misuse of laws (e.g., DSA against journalists) have been reported. Special laws, like the Anti-Terrorism Act 2009, impose severe penalties (e.g., death for terrorist acts causing death), while juvenile offenders under the Children Act 1974 face lighter penalties, focusing on rehabilitation. For detailed provisions, consult bdlaws.minlaw.gov.bd or legal resources like lawfirm.com.bd.