

# বাংলাদেশ সুপ্রীম কোর্ট

হাইকোর্ট বিভাগ, ঢাকা।

(বিচার শাখা)

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বিজ্ঞপ্তি নং-১৭/২০২২

জে,

তারিখ : ২৪.০৮.২০২২ খ্রিস্টাব্দ

বিষয় : বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগের ২১২/২০২১ নং কোম্পানি ম্যাটার মামলায় ইভ্যালি ডট কম লিমিটেড-এর Ex-Managing Director & CEO কর্তৃক স্বাক্ষরিত নির্ধারিত ব্যাংক চেকসমূহ বাজেয়াপ্ত করে আদালতে উপস্থাপন এবং আদালত কর্তৃক নবনিযুক্ত Board of Directors-এর বিরুদ্ধে ইস্যুকৃত সমন/ওয়ারেন্ট প্রত্যাহার সংক্রান্তে মাননীয় বিচারপতি জনাব মুহাম্মদ খুরশীদ আলম সরকার মহোদয়ের একক বেঞ্চ কর্তৃক গত ১৩.০৮.২০২২ এবং ২৭.০৮.২০২২ খ্রিস্টাব্দে প্রদত্ত আদেশের অনুলিপি দেশের সকল জেলা ও দায়রা জজ, মহানগর দায়রা জজ, চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট এবং চীফ জুডিসিয়াল ম্যাজিস্ট্রেট-কে প্রেরণসহ অত্র কোর্টের ওয়েবসাইটে প্রকাশকরণ প্রসঙ্গে।

উপর্যুক্ত বিষয়ে নির্দেশিত হয়ে জানানো যাচ্ছে যে, বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগের ২১২/২০২১ নং কোম্পানি ম্যাটার মামলায় ইভ্যালি ডট কম লিমিটেড-এর Ex-Managing Director & CEO কর্তৃক স্বাক্ষরিত নির্ধারিত ব্যাংক চেক সমূহ বাজেয়াপ্ত করে আদালতে উপস্থাপন এবং আদালত কর্তৃক নবনিযুক্ত Board of Directors-এর বিরুদ্ধে ইস্যুকৃত সমন/ওয়ারেন্ট প্রত্যাহার সংক্রান্তে মাননীয় বিচারপতি জনাব মুহাম্মদ খুরশীদ আলম সরকার মহোদয়ের একক বেঞ্চ কর্তৃক গত ১৩.০৮.২০২২ এবং ২৭.০৮.২০২২ খ্রিস্টাব্দে সদয় আদেশ প্রদান করেন। উক্ত আদেশের অনুলিপি দেশের সকল জেলা ও দায়রা জজ, মহানগর দায়রা জজ, চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট ও চীফ জুডিসিয়াল ম্যাজিস্ট্রেট-কে প্রেরণসহ অত্র কোর্টের ওয়েবসাইটে প্রকাশ করার জন্য মাননীয় আদালত কর্তৃক নির্দেশ প্রদান করা হয়েছে।

০২। এমতাবস্থায়, বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগের ২১২/২০২১ নং কোম্পানি ম্যাটার মামলায় গত ১৩.০৮.২০২২ এবং ২৭.০৮.২০২২ খ্রিস্টাব্দে মাননীয় আদালত কর্তৃক প্রদত্ত আদেশ প্রতিপালনের নিমিত্ত প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য নির্দেশ প্রদান করা হলো।

০৩। উল্লেখ্য, বর্ণিত মামলায় গত ১৩.০৮.২০২২ এবং ২৭.০৮.২০২২ খ্রিস্টাব্দে প্রদত্ত আদেশের অনুলিপি বাংলাদেশ সুপ্রীম কোর্টের ওয়েব সাইটে রয়েছে।

আদেশক্রমে

স্বাঃ/-

(মোঃ গোলাম রব্বানী)

রেজিস্ট্রার

হাইকোর্ট বিভাগ

ফোন : ৯৫১৪৬৪৬।

ই-মেইল: registrar\_hcd@supremecourt.gov.com

স্মারক নং-১ই/৪ কল-৩১/২০১৭-৭২৪৩

জে,

তারিখ : ২৪.০৮.২০২২ খ্রিস্টাব্দ

অবগতি ও প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য প্রেরণ করা হলো:

- ১। সচিব, আইন ও বিচার বিভাগ, আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ২। জেলা ও দায়রা জজ,.....(সকল)।
- ৩। মহানগর দায়রা জজ,.....(সকল)।
- ৪। চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট,.....(সকল)।
- ৫। চীফ জুডিসিয়াল ম্যাজিস্ট্রেট,.....(সকল)।
- ৬। মাননীয় প্রধান বিচারপতির সচিব/একান্ত সচিব, বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগ/আপীল বিভাগ, ঢাকা।
- ৭। সিস্টেম এনালিস্ট, বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগ, ঢাকা (বাংলাদেশ সুপ্রীম কোর্টের ওয়েব সাইটে প্রকাশের অনুরোধসহ)।
- ৮। অফিস কপি।

(মোঃ মিজানুর রহমান)

সহকারী রেজিস্ট্রার (বিচার)(ভারঃ)

ফোন : ০২২২৩৩৮১৯৩২।

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

Company Matter No. 212 of 2021

IN THE MATTER OF :  
An Application for certain directions.

AND

Md. Farhad Hossen

..... Petitioner

-Versus-

Evaly Limited and others

.... Respondents

Mr. A M Masum with

Mr. Sayed Mahsib Hossain, Advocates

..... For the Petitioner

Mr. Morshed Ahmed Khan, Advocate

..... For the respondent No.1

The 27<sup>th</sup> April, 2022

Present:

Justice Muhammad Khurshid Alam Sarkar

By filing this application, the applicant prays to this Court to modify the Order dated 13.04.2022 by including all the Chief Metropolitan Sessions Judges, all the Chief Metropolitan Magistrates and all the Chief Judicial Magistrates of the country which were inadvertently left in the aforesaid Order dated 13.04.2022 passed by this Court.

The reasons stated in the application for modification of the Order dated 13.04.2022 appears to this Court to be satisfactory.

Accordingly, the application is allowed. In addition to all the District and Sessions Judges of Bangladesh, all the Chief Metropolitan Sessions Judges, all the Chief Metropolitan Magistrates and all the Chief

  
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Judicial Magistrates of the country are directed to take necessary steps regarding striking out/exclusion of the names of the present court-appointed Board of Directors, namely, (i) Mr. Justice A.H.M. Shamsuddin Chowdhury, (ii) Mr. Rezaul Ahsan, (iii) Mr. Khan Mohammad Shameem Aziz, Barrister at law, (iv) Mr. Fakhruddin Ahmed and, (v) Mr. Mahbub Kabir from all proceedings commenced under Section 138 of the Negotiable Instruments Act 1881 against the respondent Company, i.e. Evaly.com Ltd. in connection with any Cheque issued by the ex-Managing Director & CEO of the respondent Company Mr. Md. Rassel and/or the ex-Chairman Mrs. Shamima Nasrin and to recall and cancel any summons and/or warrant already issued, if any, in pursuance of any of the aforesaid proceedings:

Office is directed to include all the Chief Metropolitan Sessions Judges, all the Chief Metropolitan Magistrates and all the Chief Judicial Magistrates of the country in the Order dated 13.04.2022 and serve notices upon all of them at once through registered post with A/D at the costs of the respondent No.1-company.

The respondent No.1-company is directed to put in requisites for service of notices.

Further, the Registrar, High Court Division is directed to circulate this Order upon all the Chief Metropolitan Sessions Judges, all the Chief Metropolitan Magistrates and all the Chief Judicial Magistrates of the country in addition to publish this Order in the website of Supreme Court of Bangladesh.

Muhammad Khurshid Alam Sarkar

Memo No.

4844 O.S.

Dated - 12-5-22

Copy forwarded for information and necessary action:

- ✓ 1. The Registrar, High Court Division, of the Supreme Court of Bangladesh.
2. Chief Metropolitan Sessions Judge, Dhaka.
3. Chief Metropolitan Magistrate, Dhaka.
4. Chief Judicial Magistrate, Dhaka.
5. Chief Metropolitan Sessions Judge, Faridpur.
6. Chief Metropolitan Magistrate, Faridpur.
7. Chief Judicial Magistrate, Faridpur.
8. Chief Metropolitan Sessions Judge, Gazipur.
9. Chief Metropolitan Magistrate, Gazipur.
10. Chief Judicial Magistrate, Gazipur.
11. Chief Metropolitan Sessions Judge, Gopalganj.
12. Chief Metropolitan Magistrate, Gopalganj.
13. Chief Judicial Magistrate, Gopalganj.
14. Chief Metropolitan Sessions Judge, Kishoreganj.
15. Chief Metropolitan Magistrate, Kishoreganj.
16. Chief Judicial Magistrate, Kishoreganj.
17. Chief Metropolitan Sessions Judge, Madaripur.
18. Chief Metropolitan Magistrate, Madaripur.
19. Chief Judicial Magistrate, Madaripur.
20. Chief Metropolitan Sessions Judge, Manikganj.
21. Chief Metropolitan Magistrate, Madaripur.
22. Chief Judicial Magistrate, Madaripur.
23. Chief Metropolitan Sessions Judge, Munshiganj.
24. Chief Metropolitan Magistrate, Munshiganj.
25. Chief Judicial Magistrate, Munshiganj.
26. Chief Metropolitan Sessions Judge, Narayanganj.
27. Chief Metropolitan Magistrate, Narayanganj.
28. Chief Judicial Magistrate, Narayanganj.
29. Chief Metropolitan Sessions Judge, Narsingdi.
30. Chief Metropolitan Magistrate, Narsingdi.
31. Chief Judicial Magistrate, Narsingdi.
32. Chief Metropolitan Sessions Judge, Rajbari.
33. Chief Metropolitan Magistrate, Rajbari.
34. Chief Judicial Magistrate, Rajbari.
35. Chief Metropolitan Sessions Judge, Shariatpur.
36. Chief Metropolitan Magistrate, Shariatpur.
37. Chief Judicial Magistrate, Shariatpur.
38. Chief Metropolitan Sessions Judge, Tangail.
39. Chief Metropolitan Magistrate, Tangail.
40. Chief Judicial Magistrate, Tangail.
41. Chief Metropolitan Sessions Judge, Bagerhat.
42. Chief Metropolitan Magistrate, Bagerhat.
43. Chief Judicial Magistrate, Bagerhat.
44. Chief Metropolitan Sessions Judge, Chuadanga.
45. Chief Metropolitan Magistrate, Chuadanga.
46. Chief Judicial Magistrate, Chuadanga.
47. Chief Metropolitan Sessions Judge, Jessore.
48. Chief Metropolitan Magistrate, Jessore.
49. Chief Judicial Magistrate, Jessore.
50. Chief Metropolitan Sessions Judge, Jhenaidah.
51. Chief Metropolitan Magistrate, Jhenaidah.
52. Chief Judicial Magistrate, Jhenaidah.

53. Chief Metropolitan Sessions Judge, Khulna.
54. Chief Metropolitan Magistrate, Khulna.
55. Chief Judicial Magistrate, Khulna.
56. Chief Metropolitan Sessions Judge, Kushtia.
57. Chief Metropolitan Magistrate, Kushtia.
58. Chief Judicial Magistrate, Kushtia.
59. Chief Metropolitan Sessions Judge, Magura.
60. Chief Metropolitan Magistrate, Magura.
61. Chief Judicial Magistrate, Magura.
62. Chief Metropolitan Sessions Judge, Meherpur.
63. Chief Metropolitan Magistrate, Meherpur.
64. Chief Judicial Magistrate, Meherpur.
65. Chief Metropolitan Sessions Judge, Narail.
66. Chief Metropolitan Magistrate, Narail.
67. Chief Judicial Magistrate, Narail.
68. Chief Metropolitan Sessions Judge, Satkhira.
69. Chief Metropolitan Magistrate, Satkhira.
70. Chief Judicial Magistrate, Satkhira.
71. Chief Metropolitan Sessions Judge, Bandarban.
72. Chief Metropolitan Magistrate, Bandarban.
73. Chief Judicial Magistrate, Bandarban.
74. Chief Metropolitan Sessions Judge, Brahmanbaria.
75. Chief Metropolitan Magistrate, Brahmanbaria.
76. Chief Judicial Magistrate, Brahmanbaria.
77. Chief Metropolitan Sessions Judge, Chandpur.
78. Chief Metropolitan Magistrate, Chandpur.
79. Chief Judicial Magistrate, Chandpur.
80. Chief Metropolitan Sessions Judge, Chittagong.
81. Chief Metropolitan Magistrate, Chittagong.
82. Chief Judicial Magistrate, Chittagong.
83. Chief Metropolitan Sessions Judge, Comilla.
84. Chief Metropolitan Magistrate, Comilla.
85. Chief Judicial Magistrate, Comilla.
86. Chief Metropolitan Session Judges, Cox's Bazar.
87. Chief Metropolitan Magistrate, Cox's Bazar.
88. Chief Judicial Magistrate, Cox's Bazar.
89. Chief Metropolitan Sessions Judge, Feni.
90. Chief Metropolitan Magistrate, Feni.
91. Chief Judicial Magistrate, Feni.
92. Chief Metropolitan Sessions Judge, Khagrachhari.
93. Chief Metropolitan Magistrate, Khagrachhari.
94. Chief Judicial Magistrate, Khagrachhari.
95. Chief Metropolitan Sessions Judge, Lakshmipur.
96. Chief Metropolitan Magistrate, Lakshmipur.
97. Chief Judicial Magistrate, Lakshmipur.
98. Chief Metropolitan Sessions Judge, Noakhali.
99. Chief Metropolitan Magistrate, Noakhali.
100. Chief Judicial Magistrate, Noakhali.
101. Chief Metropolitan Sessions Judge, Rangamati.
102. Chief Metropolitan Magistrate, Rangamati.
103. Chief Judicial Magistrate, Rangamati.
104. Chief Metropolitan Sessions Judge, Barguna.
105. Chief Metropolitan Magistrate, Barguna.
106. Chief Judicial Magistrate, Barguna.
107. Chief Metropolitan Sessions Judge, Barisal.
108. Chief Metropolitan Magistrate, Barisal.

109. Chief Judicial Magistrate, Barisal.
110. Chief Metropolitan Session Judges, Bhola.
111. Chief Metropolitan Magistrate, Bhola.
112. Chief Judicial Magistrate, Bhola.
113. Chief Metropolitan Sessions Judge, Jhalokati.
114. Chief Metropolitan Magistrate, Jhalokati.
115. Chief Judicial Magistrate, Jhalokati.
116. Chief Metropolitan Sessions Judges Patuakhali.
117. Chief Metropolitan Magistrate, Patuakhali.
118. Chief Judicial Magistrate, Patuakhali.
119. Chief Metropolitan Sessions Judge, Pirojpur.
120. Chief Metropolitan Magistrate, Pirojpur.
121. Chief Judicial Magistrate, Pirojpur.
122. Chief Metropolitan Sessions Judge, Jamalpur.
123. Chief Metropolitan Magistrate, Jamalpur.
124. Chief Judicial Magistrate, Jamalpur.
125. Chief Metropolitan Sessions Judge, Mymensingh.
126. Chief Metropolitan Magistrate, Mymensingh.
127. Chief Judicial Magistrate, Mymensingh.
128. Chief Metropolitan Sessions Judge, Netrokona.
129. Chief Metropolitan Magistrate, Netrokona.
130. Chief Judicial Magistrate, Netrokona.
131. Chief Metropolitan Sessions Judge, Sherpur.
132. Chief Metropolitan Magistrate, Sherpur.
133. Chief Judicial Magistrate, Sherpur.
134. Chief Metropolitan Sessions Judge, Bogura.
135. Chief Metropolitan Magistrate, Bogura.
136. Chief Judicial Magistrate, Bogura.
137. Chief Metropolitan Sessions Judge, Joypurhat.
138. Chief Metropolitan Magistrate, Joypurhat.
139. Chief Judicial Magistrate, Joypurhat.
140. Chief Metropolitan Sessions Judge, Naogaon.
141. Chief Metropolitan Magistrate, Naogaon.
142. Chief Judicial Magistrate, Naogaon.
143. Chief Metropolitan Sessions Judge, Natore.
144. Chief Metropolitan Magistrate, Natore.
145. Chief Judicial Magistrate, Natore.
146. Chief Metropolitan Sessions Judge, Chapai Nawabganj.
147. Chief Metropolitan Magistrate, Chapai Nawabganj.
148. Chief Judicial Magistrate, Chapai Nawabganj.
149. Chief Metropolitan Sessions Judge, Pabna.
150. Chief Metropolitan Magistrate, Pabna.
151. Chief Judicial Magistrate, Pabna.
152. Chief Metropolitan Sessions Judge, Rajshahi.
153. Chief Metropolitan Magistrate, Rajshahi.
154. Chief Judicial Magistrate, Rajshahi.
155. Chief Metropolitan Sessions Judge, Sirajganj.
156. Chief Metropolitan Magistrate, Sirajganj.
157. Chief Judicial Magistrate, Sirajganj.
158. Chief Metropolitan Sessions Judge, Dinajpur.
159. Chief Metropolitan Magistrate, Dinajpur.
160. Chief Judicial Magistrate, Dinajpur.
161. Chief Metropolitan Sessions Judge, Gaibandha.
162. Chief Metropolitan Magistrate, Gaibandha.
163. Chief Judicial Magistrate, Gaibandha.

165. Chief Metropolitan Magistrate, Kurigram.
166. Chief Judicial Magistrate, Kurigram.
167. Chief Metropolitan Sessions Judge, Lalmonirhat.
168. Chief Metropolitan Magistrate, Lalmonirhat.
169. Chief Judicial Magistrate, Lalmonirhat.
170. Chief Metropolitan Sessions Judge, Nilphamari.
171. Chief Metropolitan Magistrate, Nilphamari.
172. Chief Judicial Magistrate, Nilphamari.
173. Chief Metropolitan Sessions Judge, Panchagarh.
174. Chief Metropolitan Magistrate, Panchagarh.
175. Chief Judicial Magistrate, Panchagarh.
176. Chief Metropolitan Sessions Judge, Rangpur.
177. Chief Metropolitan Magistrate, Rangpur.
178. Chief Judicial Magistrate, Rangpur.
179. Chief Metropolitan Sessions Judge, Thakurgaon.
180. Chief Metropolitan Magistrate, Thakurgaon.
181. Chief Judicial Magistrate, Thakurgaon.
182. Chief Metropolitan Sessions Judge, Habiganj.
183. Chief Metropolitan Magistrate, Habiganj.
184. Chief Judicial Magistrate, Habiganj.
185. Chief Metropolitan Sessions Judge, Moulivibazar.
186. Chief Metropolitan Magistrate, Moulivibazar.
187. Chief Judicial Magistrate, Moulivibazar.
188. Chief Metropolitan Sessions Judge, Sunamganj.
189. Chief Metropolitan Magistrate, Sunamganj.
190. Chief Judicial Magistrate, Sunamganj.
191. Chief Metropolitan Sessions Judge, Sylhet.
192. Chief Metropolitan Magistrate, Sylhet.
193. Chief Judicial Magistrate, Sylhet.

*R*  
10.05.22  
Superintendent

Composed by: Mahfujur Rahman

Read by: *[Signature]*

Exam by: *[Signature]* 10.5.22  
10.05.2022

By Order  
*[Signature]*  
10.05.2022  
Assistant Registrar  
(Civil Original Jurisdiction)  
Supreme Court of Bangladesh  
High Court Division, Dhaka.  
*[Signature]*  
10.05.2022

20 APR 2022

APL (Judicial)  
take necessary  
action at once

20/4/2022

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

Company Matter No. 212 of 2021

IN THE MATTER OF :  
An Application for certain directions.

AND

Md. Farhad Hossen ..... Petitioner

-Versus-

Evaly Limited and others ..... Respondents

Mr. A M Masum with  
Mr. Sayed Mahsib Hossain. Advocates  
..... For the Petitioner  
Mr. Morshed Ahmed Khan. Advocate  
..... For the respondent No.1

The 13<sup>th</sup> April, 2022

Present:

Justice Muhammad Khurshid Alam Sarkar

By filing an application, the Court-appointed Board of Directors (hereinafter referred to as the BoD) of respondent No.1- E-valy.com Limited (hereinafter referred to as the Company or E-valy) seeks certain directions from this Court upon the Governor, Bangladesh Bank and the Managing Directors of the following banks, namely, (i) The City Bank Ltd., (ii) Southeast Bank Ltd., (iii) BRAC Bank Ltd., (iv) Dhaka Bank Ltd., (v) Modhumoti Bank Ltd. & (vi) Midland Bank Ltd. directing them to take necessary steps to confiscate and submit to the Court, any Cheque signed by the ex-Managing Director & CEO of the respondent Company Mr. Md. Rassel and/or the ex-Chairman Mrs. Shamima Nasrin on behalf of the respondent Company, i.e. Evaly.com Ltd. if presented to those



banks and, further, prays for a direction upon the Secretary, Law and Justice Division, Ministry of Law, Justice and Parliamentary Affairs and all the District and Sessions Judges, to take necessary steps regarding striking out/exclusion of the names of the court-appointed BoD, i.e. the names of the following persons, namely, (i) Mr. Justice A.H.M. Shamsuddin Chowdhury, (ii) Mr. Rezaul Ahsan, (iii) Mr. Khan Mohammad Shameem Aziz, (iv) Mr. Fakhruddin Ahmed & (v) Mr. Mahbub Kabir from all proceedings commenced under section 138 of the Negotiable Instruments Act 1881 against the respondent No.1 Company, i.e. Evaly.com Ltd. in connection with any Cheque issued by the ex-Managing Director & CEO of the respondent Company Mr. Md. Rassel and/or the ex-Chairman Mrs. Shamima Nasrin and to recall and cancel any summons and/or warrant already issued, if any, in pursuance of any of the aforesaid proceedings.

It is contended that when the Court appointed BoD is carrying out its duties as per directions passed by this Court by putting its best efforts to find out the illegalities and irregularities committed by the previous BoD and Management of the E-valy, a few unscrupulous Cheque holders which were issued by the ex-Managing Director & CEO of the E-valy (Mr. Md. Rassel and Mrs. Shamima Nasrin) (hereinafter referred to as the previous BoD) started proceeding under Section 138 of the Negotiable Instruments Act 1881 against the Court appointed Board of Directors of the respondent No.1 Company, i.e. Evaly.com Ltd., and in pursuance of some of the aforesaid proceedings, already summons

and/or warrants have been issued against the present Court appointed BoD.

Mr. Morshed Ahmed Khan, the learned Advocate for the respondent No.1 submits that present Court-appointed BoD has not issued any Cheque(s) in favour of any person/entity and, therefore, the Court-appointed BoD is not and cannot be held responsible for honoring any Cheque issued by the previous BoD. It is the humble prayer of the learned Advocate for the Court appointed BoD that until and unless appropriate Orders and Directions are passed upon the aforesaid State-Functionaries and Banks in an appropriate manner, it would be difficult for the Court-appointed BoD to run the company smoothly and effectively.

It appears from the annexed papers that on an application under Section 138 and 140 of Negotiable Instrument Act, 1881 filed by one Mr. Mosharráf Hossain in CR Case No. 132 of 2022, learned Metropolitan Magistrate (Sabujbag Amoli). Ms. Shanta Akhter has issued summons upon the Court-appointed BoD, names of whose are (i) Mr. Justice A.H.M. Shamsuddin Chowdhury, (ii) Mr. Rezaul Ahsan, (iii) Mr. Khan Mohammad Shameem Aziz, Barrister at law, (iv) Mr. Fakhruddin Ahmed and, (v) Mr. Mahbub Kabir.

Given that the Cheques were issued by the previous BoD under the signatures of ex-Managing Director & CEO of the respondent Company Mr. Md. Rassel and/or the ex-Chairman Mrs. Shamima Nasrin, and present Court-appointed BoD comprising aforesaid persons was formed by the Order of this Court vide Order dated 18.10.2021.

therefore, this Court is of the view that learned Metropolitan Magistrate (Sabujbag Amoli), Ms. Shanta Akhter ought not to have issued summons upon the present Court-appointed BoD comprising aforesaid persons. Although, it amounts to be a contemptuous Order, however, this Court is of the view that a novice Judicial Officer might not have understood the meaning of Court-appointed BoD. Accordingly, this Court is of the view that instead of summoning the learned Metropolitan Magistrate (Sabujbag Amoli), Ms. Shanta Akhter to appear before this Court in person to furnish her clarification for issuance of summons against such dignitaries who were appointed in the present BoD of E-valy vide this Court's Order, it would be fair adjudication of this application, if this Court directs the concerned learned Metropolitan Magistrate (Sabujbag Amoli), Ms. Shanta Akhter not to enforce but to return summons/warrant issued in the names of the Court-appointed Board of Directors, i.e. in the names of the aforesaid dignitaries in proceedings commenced under section 138 of the Negotiable Instruments Act 1881 against the respondent Company, i.e. Evaly.com Ltd. in connection with any Cheque issued by the ex-Managing Director & CEO of the respondent Company Mr. Md. Rassel and/or the ex-Chairman Mrs. Shamima Nasrin along with some other Orders.

Accordingly, the application is allowed with the following Directions;

- (i) Learned Metropolitan Magistrate (Sabujbag Amoli), Ms. Shanta Akhter is directed not to enforce but to return summons/warrant issued in the names of the Court-

- appointed Board of Directors, i.e. in the names of the aforesaid dignitaries, namely, ; (i) Mr. Justice A.H.M. Shamsuddin Chowdhury, (ii) Mr. Rezaul Ahsan, (iii) Mr. Khan Mohammad Shameem Aziz, Barrister at law, (iv) Mr. Fakhruddin Ahmed and (v) Mr. Mahbub Kabir, in proceedings commenced under Section 138 of the Negotiable Instruments Act 1881 against the respondent Company, i.e. Evaly.com Ltd. in connection with any Cheque issued by the ex-Managing Director & CEO of the respondent Company Mr. Md. Rassel and/or the ex-Chairman Mrs. Shamima Nasrin and strike out/exclude their names from the said proceeding being C.R. Case No. 132 of 2022
- (ii) The validity of Orders dated 22.09.2021 and 18.10.2021 are hereby extended till disposal of this matter restraining all the creditors of the respondent Company (a) from insisting upon the Court-appointed BoD for any refund until the Court-appointed Board of Directors submits their report to the Court on the basis of the special audit which is in progress.
- (iii) The Governor, Bangladesh Bank and the Managing Directors of the following banks, namely, . (i)The City Bank Ltd., (ii) Southeast Bank Ltd., (iii) BRAC Bank Ltd., (iv) Dhaka Bank Ltd., (v) Modhumoti Bank Ltd. & (vi) Midland Bank Ltd. are directed to notify the Cheques

holders that before placing any Cheque signed by the ex-Managing Director & CEO of the respondent Company Mr. Md. Rassel and/or the ex-Chairman Mrs. Shamima Nasrin on behalf of the respondent Company. i.e. Evaly.com Ltd, if presented to those banks, the Cheques holders are required to approach the Company Court first.

- (iv) The Secretary, Law and Justice Division, Ministry of Law, Justice and Parliamentary Affairs and all the District and Sessions Judges of Bangladesh are directed to take necessary steps regarding striking out/exclusion of the names of the present court-appointed Board of Directors, namely, (i) Mr. Justice A.H.M. Shamsuddin Chowdhury, (ii) Mr. Rezaul Ahsan, (iii) Mr. Khan Mohammad Shameem Aziz, Barrister at law, (iv) Mr. Fakhruddin Ahmed and, (v) Mr. Mahbub Kabir from all proceedings commenced under Section 138 of the Negotiable Instruments Act 1881 against the respondent Company, i.e. Evaly.com Ltd. in connection with any Cheque issued by the ex-Managing Director & CEO of the respondent Company Mr. Md. Rassel and/or the ex-Chairman Mrs. Shamima Nasrin and to recall and cancel any summons and/or warrant already issued, if any, in pursuance of any of the aforesaid proceedings:

- (v) The Secretary, Ministry of Home Affairs and the Inspector General of Police are directed to take necessary steps not

to enforce but to return to the concerned Court any summons/warrant issued in the names of the aforesaid court-appointed Board of Directors, in any proceedings commenced under Section 138 of the Negotiable Instruments Act 1881 against the respondent Company, i.e. Evaly.com Ltd in connection with any Cheque issued by the ex-Managing Director & CEO of the respondent Company Mr. Md. Rassel and/or the ex-Chairman Mrs. Shamima Nasrin:

The office is directed to serve notices upon the following state functionaries, namely, (i) The Secretary, Ministry of Home Affairs, (ii) The Inspector General of Police, (iii) The Secretary, Law and Justice Division, Ministry of Law, Justice and Parliamentary Affairs, (iv) District and Sessions Judge of Dhaka, (v) Learned Metropolitan Magistrate (Sabujbag Amoli), Ms. Shanta Akhter, (vi) The Governor, Bangladesh Bank and the Managing Directors of the following banks, namely, (i) The City Bank Ltd., (ii) Southeast Bank Ltd., (iii) BRAC Bank Ltd., (iv) Dhaka Bank Ltd., (v) Modhumoti Bank Ltd. & (vi) Midland Bank Ltd. at once by a Special Messenger at the costs of the respondent No.1-company.

The respondent No.1-company is directed to put in requisites for service of notices.

Further, the Registrar, High Court Division is directed to circulate this Order upon all the District and Sessions Judges of Bangladesh in addition to publish this Order in the website of Supreme Court of Bangladesh.

Muhammad Khurshid Alam Sarkar

Memo No. 3922 O.S.

Dated - 19.4.22

Copy forwarded for information and necessary action:

1. The Registrar, High Court Division, Supreme Court of Bangladesh.
2. The Secretary, Ministry of Home Affairs Dhaka.
3. The Inspector General of Police, Police Head Quarter Dhaka.
4. The Secretary, Law and Justice Division, Ministry of Law, Justice and Parliamentary Affairs.
5. District and Sessions Judge of Dhaka.
6. Learned Metropolitan Magistrate (Sabujbag Amoli), Ms. Shanta Akhter Dhaka.
7. The Governor, Bangladesh Bank Dhaka.
8. The Managing Director, The City Bank Ltd, Head Office City Bank Center 136 Gulshan Avenue, Gulshan Dhaka-1212.
9. The Managing Director Southeast Bank Ltd, Head Office Eunoos Trade Center 52-53 Dilkusha Commercial Area Dhaka- 1000.
10. The Managing Director BRAC Bank Ltd Corporate Office Anik Tower 220/B Tejgaon-Gulshan Link Road, Tejgaon Dhaka-1208.
11. The Managing Director Dhaka Bank Ltd Head Office Plot No. CWS(C)10 Bir Uttam A K Khandakar Road, Gulshan-1 Dhaka-1212.
12. The Managing Director Modhumoti Bank Ltd, Head Office Khandker Tower (Level 7 & ) 94 Culshan Avenue, Gulalun-1 Dhaka-1212.
13. The Managing Director, Midland Bank Ltd, Head Office N.B Tower (Level 6 to 9) 40/7 Culshan North Avenue, Gulslan-2 Dhaka-1212


  
Superintendent


Composed by: Mahfujur Rahman

Read by:

Exam by:

By Order

  
19.4.22  
Assistant Registrar  
(Civil Original Jurisdiction)  
Supreme Court of Bangladesh  
High Court Division, Dhaka.

  
19.4.22