

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

WRIT PETITION NO. 3672 OF 2019

IN THE MATTER OF:

An application under Article 102 of
the Constitution of the People's
Republic of Bangladesh.

-AND -

IN THE MATTER OF:

Hazi Abdul Karim
... Petitioner

-VS-

The Government of the People's
Republic of Bangladesh and others
.....Respondents

None appears
.....For the Petitioner

Mr. K.S. Salah Uddin Ahmed,
Advocate
... For the respondent No. 3

Present:

Mr. Justice Zafar Ahmed

And

Mr. Justice Sardar Md. Rashed Jahangir

Heard on: 23.05.2024

Judgment on : 02.06.2024

Zafar Ahmed, J.

In the instant writ petition, this Court issued a Rule Nisi
on 23.05.2019 calling upon the respondents to show cause as to

why the proceedings of the Case No. 264 of 2018 under Sections 92 and 93 of the Local Government (City Corporation) Ain, 2009 now pending in the Court of the Special Metropolitan Magistrate (Joint District and Sessions Judge), Dhaka Uttar City Corporation, Dhaka should not be declared to have been taken without lawful authority and are of no legal effect.

At the time of issuance of the Rule Nisi, this Court passed an interim order staying further proceedings of the case in question for a period of 4 (four) months subject to payment of balance amount of Tk. 37,76,296.78.

Respondent No. 3 Dhaka North City Corporation filed an application for discharging the Rule on the grounds stated therein. Copy of the application has been served upon the learned Advocate of the petitioner. None appeared for the petitioner when the matter was taken up for hearing.

It is stated in paragraph No. 5 of the application for discharging the Rule that the petitioner did not pay the balance amount of Tk. 37,76,296.78/- which he was required to pay as per the interim order. Moreover, it is now settled principle of law that legality of a criminal proceeding cannot be challenged in judicial review.

Considering the above aspects of the matter, we find merit in the application for discharging the Rule. Accordingly, the said application is allowed.

In the result, the Rule is discharged.

Sardar Md. Rashed Jahangir, J.

I agree.