

Present

**Mr. Justice Md. Jahangir Hossain**

**And**

**Mr. Justice Md. Kamrul Hossain Mollah**

**Criminal Revision No.2287 of 2020**

Akhteruzzaman

----- Petitioner

Versus

The state and others

----- Opposite parties.

None appears

----- For the petitioner

Mr.Md. Harun-Or-Rashid (Farid), Advocate

----- For the opposite party

Mr. S.M. Golam Mostafa Tara, D.A. G with

Mst Asma Khatun, A.A.G with

Mr. A.T.M. Aminur Rahman, A.A.G

-----For the opposite-party-State

**Heard on 09.06.2022 and 16.06.2022**

**Judgment on: 23th June, 2022**

**MD. JAHANGIR HOSSAIN;J**

This Criminal Revision No. 2287 of 2020 has been filed under section 439 read with section 435 of the Code of Criminal Procedure. This Rule was issued calling upon the opposite parties to show cause as to why the order No. 06 dated

23.09.2020 passed by the learned District and Sessions Judge and Senior Special Tribunal, Gazipur rejecting the application for cancellation of bail of the accused opposite parties filed by the informant petitioner and allowing the accused opposite parties to remain on permanent bail in Criminal Miscellaneous Case No. 1719 of 2020 arising out of Sreepur Model Police Station Case No.21 dated 06.12.2019 corresponding to G.R. No. 1097 of 2019 under sections 302, 201 and 34 of the Penal code granting the bail of the accused-opposite party Nos. 2-12, now pending before the Court of the learned Chief Judicial Magistrate, Gazipur should not be set aside and/or pass such other order or orders as to this Court may seem fit and proper.

The informant petitioner and his learned Advocate is absent when the case is taken up for hearing.

Heard the learned Advocate for the opposite party. The learned Advocate for the opposite party is praying for discharge the rule.

It appears from the record at the time of issuance of the rule the impugned Order No.06 dated 23.09.2020 passed by the learned District and Sessions Judge and Senior Special

Tribunal, Gazipur granting the bail of the accused-opposite party stayed for a period of 06(six) months from date.

It appears that the accused-opposite party arrested by the police with the order of the learned Sessions Judge as per direction of the High Court Division. Thereafter the said accused filed Criminal Revision for Leave to Appeal No. 364 of 2021 before the Appellate Division. Where it is held that “The leave petition is out of time by 73 days but the explanation offered seeking condonation of delay is not at all satisfactory.

Accordingly, the criminal petition for leave to appeal is dismissed as barred by limitation.”

We have gone through the impugned order and order passed by this Court and order passed by the Appellate Division.

Considering all the fact and circumstances and order it appears the rule become infructuous. Further it reveals the Honourable Appellate Division dismissed the criminal petition for leave to appeal is dismissed as barred by limitation.

We do not find any reason to interfere of those orders. The accused opposite party may file fresh petition for bail

before the Lower Court and Court will dispose the fresh application if they file.

On the above observation the Rule is disposed of.

The order of stay granted, at the time of issuance of the Rule, is hereby vacated.

Let a copy of this judgment be transmitted to the concerned Court below at once.

**Md. Kamrul Hossain Mollah, J:**

I agree