

In The Supreme Court of Bangladesh  
High Court Division  
(Criminal Revisional Jurisdiction)

**PRESENT:**

**MR. JUSTICE ABU TAHER MD. SAIFUR RAHMAN  
AND  
MR. JUSTICE KHANDAKER DILIRUZZAMAN**

**CRIMINAL REVISION NO. 699 of 2012**

Bangladesh Krishi Bank.....Accused petitioner  
-Versus-

The State.....Opposite party

Mr. Md. Faruk Hossain, Advcate

.....For the accused petitioner

Mr. Imran Ahmed Bhuiyan, DAG with

Mr. Mehadi Hasan (Milon), AAG and

Ms. Aleya Khandker, AAG

.....For the state

**Heard on: 31.07.2023, 02.08.2023, 06.08.2023 and 16.08.2023**

**Judgment on: The 16<sup>th</sup> of August, 2023**

**ABU TAHER MD. SAIFUR RAHMAN, J.**

This Rule was issued on an application filed by the accused petitioner under section 439 read with section 435 of the Code of Criminal Procedure calling upon the opposite parties to show cause as to why the impugned order dated 13.02.2012 passed by the Special Judge, Kushtia in Special Case No. 07 of 2009 rejecting the petitioner's application for further investigation in Doulatpur Police Station Case No. 21 dated 20.06.2005 under sections 120B /409/ 419/ 420/ 467/ 468/ 471/ 109 of the Penal Code read with section 5(2) of the

Prevention of Corruption Act, 1947 corresponding to G.R. Case No. 121 of 2005 now pending in the Court of Special Judge, Kushtia should not be set aside and/or such other or further order or orders passed as to this Court may seem fit and proper.

At the time of issuance of the Rule, the Court was pleased to stay all further proceedings of the aforesaid Special Case No. 07 of 2009 for **3 (three)** months from the date so far as it relates to the petitioner only which was subsequently extended till to disposal of the Rule.

For the purpose of disposal of the Rule, the relevant facts may briefly be stated as follows:

That one A.Z.M. Moniruzzaman, the sub-Inspector of police of Doulatpur police station, Kushtia as an informant lodged an FIR which was registered as Doulatpur Police Station Case No. 21 dated 20.06.2005 under sections 409/420/467/468/471 of the Penal Code alleging inter alia that one Md. Abdur Razzaque, the then Manager of Doulatpur (Taragunia) Branch of Bangladesh Krishi Bank as an informant filed an FIR dated 20.05.2005 with the local police station which was registered as Doulatpur Police Station Case No. 11 dated 20.05.2005 under sections 406/420/467/468/471 of the

Penal Code wherein it has been stated that the accused Alhaj Nazrul Islam along with others has obtained various loan from the bank by way of depositing various fake 'Sanchoy Patra' and thereby misappropriate the money amounting to **Tk. 1,00,00,000/-** (Taka one crore). After investigation of the said case, it transpires that the informant Manager Md. Abdur Razzaque himself was involved with the aforesaid offence and in connivance with each other misappropriated the money more than **Tk. 1,00,00,000/-** (Taka one crore) and accordingly he submitted a final report against Doulatpur Police Station Case No. 11 dated 20.05.2005 and with permission of his superior authority he filed the instant case against 6 (six) accused persons including the Manager Abdur Razzaque under sections 409/420/467/468/471 of the Penal Code. After investigation, police submitted a Charge Sheet No. 360 dated 31.12.2008 as against 10 (ten) accused persons under sections 409/420/467/468 but did not send up the name of Manager Abdur Razzaque in the said charge sheet. Thereafter, the case was transferred to the Sessions Judge and Special Tribunal No. 1, Kushtia for trial which was registered as Special Case No. 03 of 2009 subsequently it was renumbered as Special

Tribunal Case No. 07 of 2009. Thereafter, the said charge sheet has been accepted vide its order dated 02.04.2009 and discharged the names of accused Sharif Salahuddin, Abdur Razzaque, and Aftab Uddin from the aforesaid case. Later on, the date was fixed on 13.02.2012 for framing of charge, and at this stage, one Hajrat Ali, the Zonal Manager of Bangladesh Krishi Bank filed a naraji application against the aforesaid charge sheet which was rejected by the impugned order dated 13.02.2012. Being aggrieved, Bangladesh Krishi Bank as petitioner filed this application before this Court under section 561A of the Code of Criminal Procedure for quashing the aforesaid impugned order dated 13.02.2012 and obtained the instant Rule and stay.

Mr. Md. Faruk Hossain, the learned Advocate for the accused petitioner submits that the learned Special Judge, Kushtia committed an error of law by not considering the facts and circumstances of the case as mentioned in Police Station Case No. 21 dated 20.06.2005 as well as the charge sheet and thereby passed the impugned order which is liable to be set aside for the ends of justice.

Mr. Imran Ahmed Bhuiyan, the learned Deputy Attorney General for the state submits that regarding the same matter earlier one Md. Hajrat Ali, the Regional Manager of Bangladesh Krishi Bank, Kushtia filed a Criminal Revision No. 1321 of 2009 before the Hon'ble High Court which was discharged vide its judgment and order dated 04.05.2011 and as such the learned Special Judge, Kushtia rightly passed the impugned order which does not call for any interference by this Court.

Heard the submissions of the learned Advocates of both sides and perused the materials on record thoroughly.

On perusal of the petitioner's application along with the impugned order, it transpires that the petitioner is neither an informant nor any accused of the instant case. Though the subject matter of the instant case is relates to the Bangladesh Krishi Bank. We have further noticed that regarding the same issue, the Zonal Manager of Bangladesh Krishi Bank earlier filed a Criminal Revision No. 1321 of 2009 before the Hon'ble High Court which was discharged vide order dated 02.08.2009. Since the impugned issue has already been settled by the Hon'ble High Court, the learned Special

Judge, Kushtia has rightly passed the impugned order which does not call for any interference by this Court under the jurisdiction of section 439 of the Code of Criminal Procedure.

Under the given facts and circumstances of the case and the reasons as stated above, we do not find any substance of this Rule.

As a result, the Rule is discharged.

The order of stay granted earlier by this Court is hereby stand vacated.

The trial Court is hereby directed to proceed with the case expeditiously in accordance with the law.

Communicate this judgment and order at once.

**Khandaker Diliruzzaman, J:**

I agree