

**District- Munshigonj**  
**Tender No.23464**

In the Supreme Court of Bangladesh  
High Court Division  
(Criminal Miscellaneous Jurisdiction)

**Criminal Miscellaneous Case No.      of 2024**

**In the matter of:**

An application under section 526 of the Code of  
Criminal Procedure.

**-And-**

**In the matter of:**

Meherun Nessa

.... Accused-Petitioner

**-Versus-**

The State and others

....Opposite parties

Mr. S.M. Aminul Islam, Advocate

.... For the accused-petitioner.

Mr. Sujit Chatterjee, D.A.G. with

Mr. Moududa Begum, A.A.G.

Mr. Mirza Md. Soyeb Muhit, A.A.G.

Mr. Mohammad Selim, A.A.G.

Mr. Zahid Ahmed (Hero), AAG

....For the State

**Present:**

**Mr. Justice S M Kuddus Zaman**

**And**

**Mr. Justice A.K.M. Rabiul Hassan**

**The 20<sup>th</sup> May, 2024**

Let the Supplementary Affidavit be formed part of the  
main application.

This application under Section 526 of the Code of Criminal Procedure at the instance of sole accused namely, Meherun Nessa an elderly woman and accused of C.R. Case No.4 of 2023 under Section 138 of the Negotiable Instrument Act, 1881 now pending in the Court of Metropolitan Magistrate, Dhaka and complainant of C.R. Case No.503 of 2022 under Section 406/420/467/323/307/380/34 of the Penal Code now pending in the Court of Chief Judicial Magistrate, Cognizance Court, Sreenagar, Munshigonj for facilitating the simultaneous trial of above two cases by one competent Court.

Facts in short are that the petitioner filed above C.R. Case No.503 of 2022 under Sections 406/420/380 of the Penal Code against her son Mohshur Rahman and his wife Asma alleging that they stole her cheque book from her dwelling hut.

Above Asma as complainant filed C.R. Case No.04 of 2023 under Section 138 of the Negotiable Instrument Act, 1881 against the petitioner on the basis of above cheque in the Court of Metropolitan Magistrate, Dhaka.

Mr. S. M. Aminul Islam, learned Advocate for the petitioner submits that since both above cases arose out of identical facts and the petitioner is an inhabitant of Munshigonj and he filed C.R. Case No.503 of 2022 first in a competent Court in Munshigonj. Above mentioned C.R. Case No.4 of 2023 may be transferred to the Session Judge, Munshigonj for simultaneous hearing of above two cases by one competent Court.

Mr. Sujit Chatterjee, learned Deputy Attorney General for the State concedes that since above two cases are between the mother-in-law and daughter-in-law arising out of identical facts the ends of justice will be met if both the case are heard simultaneous by one competent Court.

We have considered the submissions of the learned Advocate for respective parties and carefully examined all materials on record.

As mentioned above the petitioner who is the mother-in-law of Asma the complainant of C.R. Case No.04 of 2023 filed C.R. Case No.503 of 2022 against above Asma and her husband first in a Court in Munshigonj and the petitioner is an elderly woman. Above two cases arose out of the identical facts and involved similar witnesses.

In above view of the materials on record we hold that the further delay and expenses will be minimized and convenience of both the parties as well as the witnesses will be ensured if C.R. Case No.04 of 2023 under Section 138 of the Negotiable Instrument Act, 1881 is withdrawn from the Court of Metropolitan Magistrate, Dhaka and transferred to the Court of Chief Judicial Magistrate, Munshigonj.

Above case will be transferred to a Court of Joint Session Judge for trial by the learned Session Judge when ready for trial. We are directing the learned Session Judge, Munshigonj to transfer C.R. Case No.503 of 2022 to the same Court of Joint Session Judge for simultaneous trial of above mentioned two cases.

Accordingly, we are withdrawing C.R. Case No.04 of 2023 under Section 138 of the Negotiable Instrument Act, 1881 from the Court of learned Metropolitan Magistrate, Dhaka and transferring the same to the Court of Chief Judicial Magistrate, Munshigonj. We are further directing the learned Session Judge, Munshigonj to ensure simultaneous trial of above two cases by one competent Court as stated above.

With above direction this application under Section 526 of the Code of Criminal Procedure is disposed of.

Communicate this order to the learned Session Judge, Munshigonj and the learned Chief Judicial Magistrate, Dhaka and Munshigonj at once.

*MD. MASUDUR RAHMAN*  
*BENCH OFFICER*