Writ Petition No. 15243 of 2026

Present:

Mr. Justice Md. Toufiq Inam

And

Mr. Justice Mahmud Hasan

09.11.2026

Gerab LLC.

--------- Petitioner.

-VS-

Government of Bangladesh and others.

---------- Respondents.

Mr. Md. Sanwar Hossain, Advocate.

----- For the petitioner.

Mr. Akhtar Hossain Md.Abdul Wahab, DAG with
Mr. Al Faishal Shiddique, DAG,
Mr. Rakib Hossain, AAG,
Mr. Md. Golam Rajib, AAG and
Mr. Md. Fuad Hasan, AAG.

----- For the respondents.

The petitioner, Gerab LLC, a company incorporated under the laws of the United Arab Emirates (UAE), has invoked the writ jurisdiction of this Court under Article 102 of the Constitution of the People's Republic of Bangladesh, seeking a direction upon the respondents to execute the International Arrest Warrant dated 03.10.2022 and the Arrest Warrant Certificate dated 04.08.2025, allegedly issued by the competent Court/authority of Dubai, United Arab Emirates, in Case No. 28511/2021 (Criminal-Dubai), against the convict, Mohammad Al Fayjul Alam.

The petitioner has also sought a declaration that the alleged inaction of the respondents in taking necessary steps pursuant to the aforesaid warrants is illegal and without lawful authority.

Mr. Md. Sanwar Hossain, learned Advocate appearing for the petitioner, submits that Mohammad Al Fayjul Alam, a Bangladeshi national, while working in the United Arab Emirates, committed an offence of embezzlement and subsequently returned to Bangladesh. He was thereafter tried and convicted by the competent Court in Dubai and sentenced to one year's imprisonment together with a fine of AED 2,773,964/- (Arab Emirates Dirhams Two Million Seven Hundred Seventy-Three Thousand Nine Hundred Sixty-Four only). It is further submitted that, as the convict remained absent and failed to appear before the Dubai Court, the aforesaid warrants were issued against him. He further submits that the petitioner subsequently came to know, through a newspaper report, that the convict had been arrested in Bangladesh in connection with an allegation of kidnapping a businessman, thereby confirming his presence within the territorial jurisdiction of Bangladesh. The petitioner, through its authorised law firm, namely S. Hossain & Associates, accordingly submitted applications dated 09.09.2025 and 24.09.2025 to the concerned respondents, requesting them to take necessary steps for execution of the international arrest warrant and for the arrest and extradition or surrender of the convict to the UAE. As no action was taken on those applications, the petitioner has approached this Court.

In opposition, the learned Deputy Attorney General submits that there is no applicable treaty, statutory provision or other legal framework under which a private company may directly seek execution of a foreign arrest warrant in Bangladesh. He further submits that no formal request for extradition or surrender has been received from the Government of the United Arab Emirates through the prescribed Government-to-Government channel. In the absence of such a formal request and the requisite legal process, the respondents have no lawful basis to act upon the petitioner's private applications.

We have heard the learned Advocates for the parties, perused the writ petition and the documents annexed thereto and considered the submissions advanced before us. The principal question for consideration is whether a foreign arrest warrant, issued by a foreign court in connection with criminal proceedings arising out of an alleged offence against a private company, can, by itself, be enforced in Bangladesh through a direction of this Court under Article 102 of the Constitution.

It is well settled that the exercise of coercive powers, including arrest and extradition or surrender of a person to a foreign State, must have the authority of law. A warrant issued by a foreign court does not, merely by reason of its issuance, acquire automatic enforceability within the territory of Bangladesh or impose an obligation upon the domestic authorities to execute it. Any such action must be founded upon the applicable domestic legal framework and the procedure prescribed therein.

In the present case, the petitioner is a private company which, relying upon the foreign warrants, submitted applications directly to the concerned respondents. However, no material has been placed before this Court to demonstrate that the Government of the United Arab Emirates has made any formal request for extradition or surrender through the appropriate governmental or diplomatic channel or that the requisite statutory process has been initiated. Nor has the petitioner identified any provision of law under which the respondents are under a legal obligation to execute the foreign warrants merely upon receipt of applications submitted by the petitioner in its private capacity.

A foreign arrest warrant issued by a competent court does not, by itself, become enforceable within the territory of Bangladesh so as to impose an obligation upon the local authorities to arrest or surrender the person concerned. The arrest, extradition or surrender of a person to a foreign State must be undertaken strictly in accordance with the applicable domestic law and the prescribed legal procedure. A private party, notwithstanding its interest in the foreign criminal proceedings, cannot, merely by submitting an application to the concerned authorities, compel the execution of a foreign arrest warrant in the absence of the requisite legal process. Unless a statutory or constitutional obligation requiring the respondents to act is established, their alleged inaction cannot be characterised as a failure to discharge a public duty warranting the exercise of jurisdiction under Article 102 of the Constitution.

In these circumstances, the alleged inaction of the respondents in not executing the foreign warrants cannot be construed as a failure to discharge any statutory or constitutional obligation. The writ jurisdiction under Article 102 of the Constitution is intended to enforce legal rights and compel the performance of public duties imposed by law; it cannot be invoked to require public authorities to undertake an action for which no enforceable legal obligation has been established or to bypass the statutory procedure governing extradition and surrender.

We are, therefore, of the view that the petitioner has failed to establish any legal basis for the direction sought against the respondents. Consequently, no sufficient ground has been made out for issuance of a Rule Nisi.

Accordingly, with the above observations the application is disposed of summarily without issuing any Rule Nisi.

(Md. Toufiq Inam, J.)

(Mahmud Hasan, J.)

Sayed.BO.