

**In the Supreme Court of Bangladesh
High Court Division
(Special Original Jurisdiction)**

Present:
Mr. Justice Mustafa Zaman Islam
And
Mr. Justice Md. Atabullah

Writ Petition no. 4572 of 2001.

In the matter of:

An application under Article 102 read with Article 44 of the Constitution of People's Republic of Bangladesh.

In the matter of:

Md. Rashed alias Rasel and others
..... petitioners.

-Versus-

Bangladesh, represented by the Secretary, Ministry of Law and Parliamentary Affairs, Bangladesh Secretariat, Ramna, Dhaka and others
..... Respondents.

No one appears,
..... For the petitioners.

Mr. Tushar Kanti Roy, D.A.G. with
Mr. Md. Salim Azad. and
Ms. Anis-ul Mawa, A.A.G.
..... For the Respondents.

Heard and Judgment
delivered on: 28.02.2024.

Mustafa Zaman Islam, J:

By this Rule, the petitioners by filing an application under Article 102 read with Article 44 of the Constitution

of People's Republic of Bangladesh, the petitioners obtained this Rule Nisi calling upon the respondents to show cause as to why the Public Safety Act, 2000 should not be held to be unconstitutional and void as being violative of the fundamental rights of the petitioners guaranteed by Articles 27, 31, 32 and 35 of the Constitution and/or such other or further order or orders passed as to this court may seem fit and proper.

Since a challenge against the Jana Nirapatta Ain, 2000 has ended in a dissenting judgment except on section 16 and 18(1)(Kha) of the Act, let petitioners be released on ad-interim bail to the satisfaction of the Deputy Commissioner, Dhaka in Jana Nirapatta Case No. 438 of 2000 arising out of Dhanmondi Police Station case no. 44 dated 21.09.2000 under section 5(Ka) of the Jana Nirapatta (Bishesh Bidhan) Ain, 2000 now pending in the Court of learned Jana Nirapatta Bighnokari Aparadh Daman Tribunal No. 01, Dhaka.

The police submitted charge-sheet under the said offence and the learned Magistrate took cognizance of the above offence. The case record has

been transferred before the learned Jana Nirapatta Bighnokari Aparadh Daman Tribunal No. 01, Dhaka for trial.

Feeling aggrieved the petitioners preferred the instant Writ Petition and obtained the present Rule.

No one appears on behalf of the petitioners to support the Rule.

The learned Deputy Attorney General appearing on behalf of the respondents.

In order to appreciate his submissions we have gone through the record and given our anxious consideration to his submissions.

On going to the materials on record it transpires that the case was lodged under section 5(Ka) of the Jana Nirapatta (Bishesh Bidhan) Ain, 2000.

It is pertinent to point out that the জননিরাপত্তা (বিশেষ বিধান) আইন, 2000 was repealed vide Act no. VI of 2002 dated 2nd April, 2002. Therefore, the instant proceeding has no legal force.

In view of foregoing narrative the Rule is disposed of. The proceeding of Jana Nirapatta Case No. 438 of 2000 arising out of Dhanmondi Police Station case no. 44 dated 21.09.2000 under section 5(Ka) of the Jana Nirapatta (Bishesh Bidhan) Ain, 2000 now pending in the Court of learned Jana Nirapatta Bighnokari Aparadh Daman Tribunal No. 01, Dhaka is hereby quashed.

The office is directed to communicate the judgment and order at once.

Mustafa Zaman Islam

Md. Atabullah, J:

I agree.

Md. Atabullah