

**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. 4784 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. Emran

..... petitioner.

-Versus-

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

No one appears,

..... For the petitioner.

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: 13.02.2024.

Mustafa Zaman Islam, J:

By this Rule, the petitioner by filing an application under Article 102 read with Article 44 of the Constitution of People's Republic of Bangladesh, the petitioner 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 petitioner 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 petitioner be released on ad-interim bail to the satisfaction of the Deputy Commissioner, Chittagong in Kotwali Police Station case no. 46 dated 27.06.2001 corresponding to G.R. No. 576 of 2001 under section 4 of the Jano Nirapotta Ain, 2000 read with sections 365/323 of the Penal Code, 1860 now pending in the Court of Metropolitan Magistrate, Chittagong.

The police report has not been yet submitted.

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

No one appears on behalf of the petitioner 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 4 of the Jano Nirapotta Ain, 2000 read with sections 365/323 of the Penal Code, 1860.

It is pertinent to point out that the জননিরাপত্তা (বিশেষ বিধান) আইন, 2000 was repealed vide Act no.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 Kotwali Police Station case no. 46 dated 27.06.2001 corresponding to G.R. No. 576 of 2001 under section 4 of the Jano Nirapotta Ain, 2000 read with sections 365/323 of the Penal Code, 1860 now pending in the Court of Metropolitan Magistrate, Chittagong 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