

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

Criminal Miscellaneous Case No.25201of 2023

In the matter of:

An application under Section 498 of the Code of Criminal Procedure.

-And-

In the matter of:

Md. Abul Hossain

.... Accused-petitioner

-Versus-

The State

.... Opposite Party

Mr. Mohammad Abul Kalam Azad, 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 23rd May 2024

On an application under Section 498 of the Code of Criminal Procedure this Rule was issued calling upon the opposite party to show cause as to why the accused-petitioner should not be enlarged on bail in Metropolitan Sessions Case No.24078 of 2018 arising out of Darus Salam Police Station

Case No.63 dated 29.09.2018 corresponding to G.R. Case No.453 of 2018 under Section 19(1) table 1(Kha) of the Madak Drobbio Niontron Ain, 1990, now pending in the court of learned Additional Metropolitan Session Judge, 2nd Court, Dhaka and/or pass such other or further order or orders as to this Court may seem fit and proper.

In this case under Section 19(1) table 1(Kha) of the Madak Drobbio Niontron Ain, 1990 about 660 gram heroin was recovered from bus at the showing of the petitioner and other co-accused.

In view of above materials on record we are not inclined to grant bail to the petitioner at this point of time but we feel it necessary to pass a direction upon the Trial Court below for conclusion of the trial of the case expeditiously.

Accordingly, we are directing the learned Additional Metropolitan Session Judge, 2nd Court, Dhaka to conclude the trial of the case within 6(six) months from the date of receipt of this order without allowing any adjournment beyond 15(fifteen) days.

The days covered by the adjournment at the instance of the accused be excluded from above period.

But if the learned Judge fails to conclude the trial within above period he will have to explain in writing to this Court through the Registrar General, Supreme Court of Bangladesh as to why the trial could not be concluded.

The learned Judge shall also consider the petition for bail if any filed by the appellant with sympathy and in accordance with law.

The Superintendent of Police, Dhaka is directed to ensure that the prosecution witnesses are produced before the Trial Court on the date to be fixed by the Court without any fail.

The Public Prosecutor, Dhaka is directed not to submit any petition for adjournment if any prosecution witness appears to give evidence.

Let copies of this order be sent to the Registrar General, Supreme Court of Bangladesh, learned Additional Metropolitan Session Judge, 2nd Court, Dhaka, Superintendent of Police, Dhaka and Public Prosecutor, Dhaka at once.

With above direction this Rule is disposed of.

MD. MASUDUR RAHMAN
BENCH OFFICER