Writ Petition No. 442 of 2024

17.01.2024
   Present:
Mr. Justice Sheikh Hassan Arif
   and
Mr. Justice Md. Bazlur Rahman

Mr. Md. Golam Mostafa, Advocate
   ….. For the Petitioner
Mr. Amit Talukder, D.A.G.
Mr. MMG` Sarwar, A.A.G. with
Mr. Md. Nasim Islam, A.A.G with
Mr. Prince-Al-Masud, A.A.G with
Mr.Md. Rayhan Kabir, A.A.G.
   ….. For the Respondents.

Let the supplementary affidavit form part of the main application.

Let a Rule Nisi be issued calling upon the respondents to show cause as to why the failure of the respondents to release the petitioner from jail in connection with the scheduled cases, being (1) Session Case No. 1811 of 2019 arising out of C.R. Case No. 696 of 2018 (Tongi Purbo), judgment and order of conviction and sentence dated 10.04.2022 passed by the Joint Session Judge, 2nd Court, Gazipur, convicting the petitioner under Section 138 of the Negotiable Instruments Act, 1881 and sentencing him to suffer imprisonment for 1 (one) year and to pay a fine to Taka 15,00,000/- (fifteen lac) passed by the respondent No. 6 Court in the above case, should not be declared to be without lawful authority and is of no legal effect and/or such other or further order or orders be passed as to this Court may seem fit and proper.

The Rule is made returnable within 4(four) weeks from date.

It appears from the supplementary affidavit of the petitioner that the petitioner has been granted bail in another case pending against him, namely, Sessions Case No. 79 of 2023 pending before the Joint Sessions Judge, 1st Court Natore, and that the petitioner has already served out his term of imprisonment in Sessions Case No.1811 of 2019 arising out of C.R. Case No.696 of 2018. This being so, the authorities concerned, including respondent Nos. 3 and 4, are directed to release the petitioner immediate from jail, if it is found that he is not required to remain in jail in connection with any other case or proceedings.

The petitioner is directed to put in requisites for service of notices upon the respondents in the usual course and through registered post with acknowledgement due (AD).