

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

**Criminal Miscellaneous Case No.2031 of 2024**

**In the matter of:**

Ariful Hoque

.... Accused-petitioner

-Versus-

The State and another

....Opposite parties

Mr. Tajul Islam Miajee, Advocate

.... For the accused-petitioner.

Mr. Noor Us Sadik Chowdhury, D.A.G. with

Ms. Farhana Afroze Runa, A.A.G.

Mr. Md. Abdul Aziz Masud, A.A.G.

Mr. Md. Shamim Khan, A.A.G.

... For the State

**Present:**

**Mr. Justice S M Kuddus Zaman**

**And**

**Mr. Justice Md. Aminul Islam**

**The 21<sup>st</sup> April, 2024**

This is an application for restoration of Criminal Miscellaneous Case No.2031 of 2024 under 561A of the Code of Criminal Procedure.

Mr. Md. Asaduzzaman Khan, learned Advocate for the petitioner submits that due to absence of the concerned Advocate on the date fixed for hearing above Criminal Miscellaneous Case

was rejected for default on 15.01.2024. The learned Advocate could not provide any satisfactory explanation as to the absence of the learned Advocate for the petitioner on the above date of hearing.

It further turns out from the record that by above application under Section 561A of the Code of Criminal Procedure the petitioner challenged the legality and propriety of order dated 07.03.2023 passed by the Additional Session Judge, 4<sup>th</sup> Court, Jashore rejecting Criminal Revision Case No.249 of 2019 which was filed challenging the framing of charge against the petitioner by the learned Judge of the Biddut Adalat, Jashore in C.R. Case No.133 of 2019 under Section 32(2) of Biddut Ain, 2018. The learned Advocate for the petitioner concedes that above electricity meter stands in the name of the petitioner. It was alleged that due to nonpayment of electricity bill above electricity was disconnected by the complainant but the petitioner unlawfully reconnected the same without payment of arrear bills. Since the meter stands in the name of the petitioner we are unable to find any prima facie substance in the submission of the learned

Advocate for the petitioner submits that he rented above premises and according to the terms of the tenancy agreement the tenant was responsible for payment of the electricity bill. However, above is a defense case which the petitioner be at liberty to prove at trial.

In above view of the materials on record we are unable to find any substance in this application for restoration.

As such, the application for restoration is hereby summarily rejected.

Md. Masudur Rahman  
Bench Officer