

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(CIVIL REVISIONAL JURISDICTION)

Civil Rule No. 01 (Violation)(R) of 2024
(Arising out of Civil Revision No. 15 of 2024)

In the matter of:

An application under order XXXIX, rule 2(3) of the
Code of Civil Procedure.

AND

In the matter of:

The State.

.... Petitioner

-Versus-

Mr. A.H.M. Habibur Rahman Bhuiyan, the learned
District Judge, Dhaka.

....Opposite-party-contemnor

Mr. Ahsanul Karim, Senior Advocate with
Mr. Md. Mustafizur Rahman, Advocate

...For the opposite-party-contemnor

Heard on 13.02.2024 and 25.02.2024.

Judgment on 25.02.2024.

Present:

Mr. Justice Md. Mozibur Rahman Miah

And

Mr. Justice Mohi Uddin Shamim

Md. Mozibur Rahman Miah, J:

At the instant of the petitioner in Arbitration Miscellaneous Case No. 270 of 2022, a Civil Revision being Civil Revision No. 15 of 2024 was filed challenging the order dated 23.11.2023 passed in the said Miscellaneous Case where this court on 10.01.2024 apart from issuing rule passed an interim order staying all further proceedings of the said Arbitration Miscellaneous Case No. 270 of 2022 for a period of 1(one) month. The said Miscellaneous Case was fixed on 14.01.2024 for passing judgment when the petitioner filed an application intimating the contemnor about stay of the further proceeding of the Miscellaneous Case quoting the name of the Hon'ble Justices passed the order of stay. However, defying the said application, the contemnor proceeded with the Miscellaneous Case on that date i.e. on 14.01.2024 and passed the judgment. (The learned counsel supplied the copies of the application and that of the operative portion of the judgment both dated 14.01.2024).

On going through the application dated 14.01.2024 filed before the contemnor conveying the order of stay, we find an "endorsement" of the court presided by the contemnor to the effect that "নথিতে আদেশ হবে". In spite of brining the order of stay of this court on the further proceeding of the Miscellaneous Case to the notice of the contemnor, he passed judgment on that very date dated 14.01.2024 in Arbitration Miscellaneous Case No. 270 of 2022 which *prima facie* proves that the contemnor willfully violated the order of this court for which this court issued *Suo Motu Contempt Rule* upon the contemnor in the following term:

*"Let a *Suo Motu Contempt Rule* be issued calling upon the contemnor, Mr. A. H. M. Habibur Rahman*

Bhuiyan, learned Senior District Judge, Dhaka to show cause as to why he should not be punished for violating the order of this court dated 10.01.2024 passed in Civil Revision No. 15 of 2024 and/or such other or further order or orders passed as to this Court may seem fit and proper.”

In view of the said rule, the contemnor entered appearance by filing an application praying for unconditional apology for non-complying with the order passed by this court in the Civil Revision dated 19.02.2024.

Mr. Ahsanul Karim, the learned senior counsel appearing for the opposite-party-contemnor upon taking us to the application praying for unconditional apology mainly contends that, the contemnor throws himself at the mercy of this Hon’ble court and tenders his sincere, unqualified and unconditional apology before this Hon’ble court for his act of passing the judgment dated 14.01.2024 in Arbitration Miscellaneous Case No. 270 of 2022 and the contemnor most honestly expresses to this Hon’ble court his regret, remorse and repentance for the act leading up to the issuance of the instant Suo Motu Contempt Rule.

The learned counsel further contends that, as a citizen of Bangladesh, the contemnor has the highest respect and regard for this Hon’ble court and he does not dare to interfere with the administration of justice and/or to lower down the authority/image/dignity of this Hon’ble court in any manner.

The learned counsel also contends that, this Hon’ble court may kindly be pleased to discharge the instant Suo Motu Contempt Rule dated 24.01.2024 issued by this Hon’ble Court upon accepting the unconditional

and sincere apology of the contemnor and exonerate him from the instant contempt proceeding.

We have considered the submission so placed by the learned senior counsel for the opposite-party-contemnor and perused the application praying for unconditional apology and find substance in it.

Accordingly, the application offering unconditional apology is accepted and the rule is disposed of.

The contemnor is thus exonerated from the charge of contempt of court.

Mohi Uddin Shamim, J:

I agree.