

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(SPECIAL ORIGINAL JURISDICTION)

**Present:**  
**Mr. Justice S. M. Kuddus Zaman**  
**And**  
**Mr. Justice A.B.M. Rabiul Hassan**

**WRIT PETITION NO.16069 OF 2023**

In the matter of:

An application under Article 102(2)(a) of the  
Constitution of the People's Republic of Bangladesh.

Salim and Brothers Limited  
... Petitioner

-Versus-

The Government of People's Republic of Bangladesh  
and others

... Opposite parties

Mr. Lutfar Rahman, Advocate

... For the petitioner.

Mr. Sujit Chatterjee, D.A.G. with

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

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 respondent No.1.

Mr. Khan Mohaad Shameem Aziz, Advocate

.... For the respondent No.5.

Mr. A.B.M. Emdadul Haque Khan, Advocate

.... For the respondent No.19.

**Heard and Judgment on 16.05.2024.**

**S.M. Kuddus Zaman, J:**

On an application under Article 102(2)(a) of the Constitution of the People's Republic of Bangladesh this Rule was issued calling upon the respondents to show cause as to why the administrative order

dated 14.11.2022 (Annexure-G2) passed by the learned Metropolitan Session Judge Dhaka in Permission Petition No.421 of 2022 under Section 14(1) of the Money Laundering Prevention Act, 2012, freezing the petitioner's Bank accounts holding at the Branches of the respondent Nos.10-21 mentioned in the schedule for an indefinite period should not be declared to have been issued without lawful authority and is of no legal and why the respondents should not be directed to withdraw the illegal restraining order upon the petitioner's Bank accounts (Annexure-G1) mentioned as serial Nos.1-12 In the application dated 13.11.2022 submitted by the respondent No.9 to the respondent No.2 and allow the petitioner to transact the petitioner to transact the bank accounts to maintain daily expenses, salary of the staffs and also to repay loan amounts to the creditors immediately and/or pass such other or further order or orders as to this Court may seem fit and proper.

Facts in short are that Bangladesh Financial Intelligence Unit of a the Bangladesh Bank sent a report to the Criminal Investigation Department on 28.06.2022 stating that two suspicious transaction of Taka 6,30,500/- and 6,30,575/- deposited by Omit Hassan and Sadia Sultana on 21.04.2022 and 25.04.2022 respectively were detected in the Bank account of M/S Salim and Brothers, a distributor of Bkash Limited. Above M/S. Salim and Brothers Ltd. has business in Bengal Synthetic Fiber Limited, Four Seasons Resort Ltd., Reliance Box Industries Ltd., Reliance Washing Industries Ltd., Reliance Dresses Ltd., Reliance Denim Ltd., and Salam Apparel Ltd. and businesses relating to gold, auto parts, computer, mobile, stone and bricks. But no connection was found of above suspicious transactions with above businesses of M/S. Salim and Brothers Ltd.

The Criminal Investigation Department appointed Sub-Inspector of Police Mr. Ashiquzzaman as Inquiry Officer of this case on 17.08.2022 who on 13.11.2022 submitted a petition to the Metropolitan

Session Judge, Dhaka for seizure of 12 Bank accounts of the petitioner lying with 12 separate banks stating that the petitioner has acquired huge amount of money unlawfully and was engaged in money laundering, transfer of local and foreign money and above accounts need to be freezed until conclusion of the inquiry.

On consideration of above petition of the Inquiry Officer the learned Metropolitan Session Judge freezed above 12 Bank accounts of the petitioner vide impugned order dated 14.11.2022.

Being aggrieved by and dissatisfied with above order dated 17.08.2022 the petitioner moved to this Court and obtained this Rule.

Mr. Lutfor Rahman, learned Advocate for the petitioner submits that the Inquiry Officer was not legally competent to submit a petition for freeze of Bank Accounts since Section 14 of the Money Laundering Prevention Act, 2012 empowers the investigating agency for submission of such a petition. Above provision further provides that at the time of submission of the petition the investigating agency shall mention the offence for which freeze of the Bank Accounts was necessary. But above condition was not fulfilled in the petition of the Inquiry Officer and the learned Metropolitan Session Judge who had no jurisdiction over the subject matter passed the impugned order of freeze by a non speaking order.

The learned Advocate further submits that Rule 49 of the Money Laundering Protirod Bidimala, 2019 provides for conclusion of the inquiry within 45 working days. But the Inquiry Officer has not concluded the inquiry till date. Due to suspension of above Bank Accounts the petitioner has barred from running his lawful businesses and make payment of wages to the labors and workers causing serious inconvenience for them.

On the other hand Mr. Noor Us Sadik Chowdhury, learned Deputy Attorney General for the state submits that on consideration of facts and circumstances of the case and materials on records the

learned Metropolitan Session Judge has rightly passed the impugned order which calls for no interference. As far as failure to conclude the inquiry is concerned the learned Deputy Attorney General submits that above Provision of Section 49 is directory in nature and the Inquiry Officer has informed him that the inquiry report will be submitted soon.

We have considered the submissions of the learned Advocates for the respective parties and carefully examined all materials on record.

As mentioned above this case arose out of an intelligence report submitted by the Bangladesh Financial Intelligence Unit of the Bangladesh Bank to the Criminal Investigation Department on 28.06.2022. Above Unit detected two suspicious transactions of about Taka 6.30 lac each deposited by two customers on 21.04.2022 and 25.04.2022 respectively in the account of the petitioner with BRAC Bank which he maintains as a distributor of bKash a digital money transfer agency.

As far as the other businesses of the petitioner and suspicious transactions to be investigated by the Criminal Investigation Department are concerned above intelligence report made following instructions:

“উল্লেখ্য, মেসার্স সেলিম এন্ড ব্রাদার্স লি. এর নামে বিভিন্ন তফসিলি ব্যাংকে পরিচালিত হিসাব খোলার ফরম পর্যালোচনায় ও ওপেন সোর্স অনুসন্ধানে দেখা যায়, জনাব মোঃ মামুন সালাম বেংগল সিনথেটিক ফাইবার লি., ফোর সিজনস রিসোর্ট লি., রিলায়েন্স বক্স ইন্ডাস্ট্রিজ লি., রিলায়েন্স ওয়াশিং ইন্ডাস্ট্রিজ লি., রিলায়েন্স ড্রেসেস লি., রিলায়েন্স ডেনিম লি., সালাম এপারেল লি. নামক ব্যবসা প্রতিষ্ঠানের মালিকানায় রয়েছেন। সেক্ষেত্রে, স্বর্ণের ব্যবসা, পাথর ব্যবসা, ইট ও রডের ব্যবসা, মোবাইল একসেসরিস ও মোবাইল ব্যবসা, কম্পিউটার ও বিভিন্ন কম্পিউটার সামগ্রীর ব্যবসা, অটো পার্টস ব্যবসা প্রভৃতি বাবদ এ হিসাবে টাকা জমা হওয়ার সাথে তাঁর উল্লিখিত ব্যবসা প্রতিষ্ঠানের সম্পর্ক পাওয়া যায়নি। গ্রাহকের বিকাশ লি. এর ডিস্ট্রিবিউটরের ব্যবসার আড়ালে হুন্ডি ব্যবসা বা

চোরাচালানের ব্যবসা রয়েছে কিনা সে বিষয়ে সন্দেহ করার যথেষ্ট অবকাশ রয়েছে।”

It is crystal clear from above report of the Bangladesh Financial Intelligence Unit that inquiry was advised as to the suspicious transactions made by above customers in the bKash account of the petitioner lying with BRAC Bank alone. It was further clarified that no connection of above suspicious transactions were found with above mentioned other businesses of the petitioner.

Instead of inquiring into above suspicious transactions the Inquiry Officer submitted a petition for seizure of 12 Bank Accounts of the petitioner which appears to be without any legal basis.

Rule 49 of Money Laundering Bidimala, 2019 provides for conclusion of the inquiry within 45 working days. If the Inquiry Officer fails to conclude the inquiry within above period the authority shall appoint a new as Inquiry Officer. In this case the Inquiry Officer who was appointed on 17.08.2022 but he could not conclude the inquiry till date and no new Inquiry Officer has been appointed.

Section 14 of the Money Laundering Protirod Ain, 2012 has vested the power to the investigation agency to submit an application to the concerned Court for freezing of the Bank Account. But in this case the petition dated 13.11.2022 for freeze of 12 Bank Accounts of the petitioner was submitted by an Inquiry Officer not by the investigating agency. Above petition was not supported by necessary statement and preliminary evidence to support the seizure of above Bank Accounts of the petitioner as has been provided in Section 14(2)(Kha) of the Money Laundering Protirod Ain, 2012. It further appears that the learned Metropolitan Session Judge, Dhaka disposed of above petition by a non speaking order.

The suspension or freeze of all Bank accounts of a citizen or impacts seriously on his day to day life and cripples all valuable rights guaranteed to him under the Constitution of the Peoples Republic of

Bangladesh. In the case of a trading company the implication of such an all out suspension or freeze of all accounts with every Bank is more devastating.

In above view of the materials on record we find merit in this petitioner under Article 102 of the People's Republic of Bangladesh and the Rule issued in this connection deserves to be made absolute.

In the result, the Rule is hereby made absolute.

The administrative order dated 14.11.2022 (Annexure-G2) passed by the learned Metropolitan Session Judge Dhaka in Permission Petition No.421 of 2022 under Section 14(1) of the Money Laundering Prevention Act, 2012 is hereby set aside.

However, there is no order as to costs.

**A.K.M. Rabiul Hassan, J:**

I agree.

MASUDUR RAHMAN  
BENCH OFFICER