

Present:

Mr. Justice Md. Mansur Alam

And

Mr. Justice Md. Anowarul Islam

Criminal Appeal No. 5053 of 2024

Md.Ershad Ali

..... accused appellant

Versus

The State and another

..... respondents

Mr.Shishir Monir, Senior Advocate with

Mr.Mohammad Abdul Wadud, Advocate and

Mr. Md.Abdul Jalil, Advocate

..... For the accused-appellant

Mr. Junaed Hossen Khan, A.A.G

..... For the respondent No.1

Mr.Khandoker Sultan Ahmed, Advocate with

Mr.Md. Nazmus Sakib, Advocate

..... For the respondent No.2

Heard and Judgment on 26.02.2026

Md.Mansur Alam, J.

This appeal at the instance of the accused-appellant was preferred against Order dated 29.05.2024 passed by the learned Judge (District and Sessions Judge), the Nari-O-Shishu Nirjatan Daman Tribunal, Joypurhat in Nari-O-Shishu Case No. 156 of 2023 (arising out of Joypurhat Sadar Police Station Case No.01 dated 02.05.2023 corresponding to G.R. Case No.262 of 2023 under section 9(1) of the Nari-O-Shishu Nirjatan Daman Ain, 2000 (as amended in 2003),

taking cognizance against accused-appellant now pending before the Nari-O-Shishu Nirjatan Daman Tribunal, Joypurhat.

The prosecution story, in short, is that one Most. Nahida Akter (30), daughter of Md. Abdul Kader Prothan of village-Bobindaur, Police Station-Panchbibi, District-Joypurhat being an informant lodged a First Information Report with Joypurhat Sadar Police Station alleging inter alia that the informant age was 30 years old and serving as a Assistant Teacher of Gobindapur Government Primary School of Panchbibi Police Station, District-Joypurhat and the accused Md. Ershed Ali was serving as a cashier of Agroni Bank, Panchbibi Branch, Joypurhat and about 3(three) years earlier the accused was known to the informant by the Face book and the accused having the wife introduced him with the informant as Bachelor and in this way the love was developed between them and they spent the times secretly at lots of places and about 8(eight) months earlier the accused gave the false hope for marriage and raped her continuously at his rental residence and lastly the accused raped the informant on 14.03.2023 at about 19.00 hours by giving false hope for marriage without her consent at one Mr. Md. Azahar Islam rental residence of 1st floor east side of Joypurhat Pourashava

under Chitra Para, road of Janiar Bagan village and subsequently the informant told the accused for marriage but spent the times by telling today and tomorrow and the informant knew the information secretly that the accused having the wife about 2 years earlier at his permanent address and he raped the informant to conceal the truth for cheating and refused to marry her and the informant asked the accused about reason of rape her by cheating and the accused threatened her including killing and lastly the informant hopelessly informed the matter to the neighbours and other people of the place of occurrence and the informant gave the times to the accused about the matter for resolve and realized the mental condition including the working place of informant and the accused again refused to marry the informant and threatened her which was known to all of the area and hence Joypuhat Police Station Case No. 01 dated 02.05.2023 was started under Section 9(1) of the Nari-O-Shishu Nirjatan Daman Ain against the accused-appellant.

The police arrested the accused-appellant Md. Ershad Ali on 02.05.2023 and thereafter he was forwarded to the learned Senior Judicial Magistrate, cognizance Court, Joypurhat with a police forwarding and the accused-appellant-petitioner prayed the bail which was refused by the

lower court and subsequently the accused was enlarged on bail by the Hon'ble High Court Division on 25.05.2023 in Criminal Misc. Case No.31074 of 2023 till disposal of the Rule.

After investigation the investigation officer, Joypurhat Sadar Police Station recommended the Final report being No.47 dated 09.07.2023 against the accused-petitioner. The informant filed the naraji petition against the Police report and after hearing both the parties the learned Tribunal allowed further investigation to PBI and the PBI after further investigation recommended Final Report being No.04 dated 13.02.2024 against the accused-appellant-petitioner. The informant again submitted the naraji petition against the accused by PBI on 31.03.2024 before the learned Tribunal.

On 29.05.2024 after hearing both parties the tribunal took cognizance against the accused-appellant-petitioner under section 9(1) of the Nari-O-Shishu Nirjatan Daman Ain, 2000 (amended as 2003).

Being aggrieved by and dissatisfied with the above impugned order dated Order dated 29.05.2024 passed by the learned Judge (District and Sessions Judge), the Nari-O-Shishu Nirjaton Daman Tribunal, Joypurhat in Nari-O-Shishu

Case No. 156 of 2023 moved this application before this Court and obtained this Rule.

Mr. Shishir Monir, learned Senior Advocate for the appellant-petitioner submits that the appellant did not commit any offence as alleged in the FIR and he has been made a victim of circumstances and falsely been implicated in the instant case. The appellant is innocent man in as much as the allegation and story of rape shown in the FIR against the accused-appellant is highly improbable and doubtful in nature.

The learned Advocate further submits that from the record the date of occurrence is on 14.03.2023 and the FIR was lodged on 02.05.2023 after 47 days later and the victim's age was 30 years and the Medical report of the victim did not disclose any sign of rape. Though the date of occurrence on 14.03.2023 but the victim informant did not inform the matter before lodging the FIR on 02.05.2023. In this type of cases the Hon'ble High Court Division allowed the appeal as not to disclose the fact within 40 days.

Mr. Junaed Hossen Khan the learned Assistant Attorney General for the respondent No.1 submits that the appeal is not maintainable at the pre-charge stage. The impugned order only relates to taking cognizance and the case is now fixed for framing of charge. It is settled law that interference by the High Court Division before framing of charge is pre-mature unless there is patent lack of jurisdiction or abuse of process, which is absent in the present case and that the Tribunal has lawful authority to take cognizance under section 21 of the Act under section 21 of the Nari-O-Shishu Nirjatan Daman Ain, the tribunal is empowered to take cognizance if it is satisfied from the materials on record, irrespective of the opinion expressed in the police report. The tribunal exercised its judicial discretion properly after considering all relevant facts.

The learned Assistant Attorney General further submits that the Investigating officer's opinion is not binding on the Tribunal. The final report submitted by the I.O. is merely an opinion not a binding conclusion. The tribunal is not obliged to accept the I.O.'s view particularly when prima-facie materials disclose commission of a cognizable offence and then failure of the I.O. to consider victims statement and surrounding circumstances. The I.O failed to properly corroborate the facts with (i) the statement of the victim, (ii) surrounding circumstances, and relevant witness. Such omission seriously affects the credibility of the investigation and justifies judicial scrutiny by the Tribunal and that Medical report

is not conclusive proof of absence of rape. The medical opinion stating “no sign of marks of violence presents over the private parts of the victim” was given after a long delay. It is well settled that absence of physical signs does not negate rape, particularly where (i) the offence occurred repeatedly, (ii) there was delay in medical examination, and (iii) the victim is a consenting victim under false promise of marriage. The Naraji petition was rightly accepted and further investigation conducted. The learned Tribunal acted judiciously by accepting the Naraji petition and directing further investigation by PBI. Mere similarity between the first and second investigation reports does not invalidate cognizance, especially when prima-facie facts support the allegation that cognizance does not amount to finding of guilt. Taking cognizance is only a prima-facie satisfaction, not a final adjudication. The accused will get full opportunity to defend himself at the time of trial. Therefore, the appeal is misconceived and pre-mature and that no illegality, impropriety, or perversity in the impugned order. The order taking cognizance is legal, reason, and based on materials on record. Hence, no ground exists for interference by the High Court Division.

Mr. Khondoker Sultan Ahmed, the learned Advocate for the respondent No. 2 adopted the submission of Mr. Junaed Hossen Khan, the learned Assistant Attorney General.

We have heard the learned Advocates for both the sides and perused the materials on record.

On perusal of the impugned order of learned tribunal it is found that the tribunal took cognizance against the accused-appellant-petitioner relying on the evidence of the witnesses who are examined earlier by the investigating officer. The present case under section 9(1) of the Nari-O-Shsishu Nirjatan Daman Ain, 2000 (as amended in 2003) was investigated first by the police of Joypurhat Sadar Police Station and on investigation Joypurhat Police re-commended final report being No.47 dated 09.07.2023 and recommended to exonerate the accused-appellant from the charge brought against him. Again on a naraji petition the case was further investigated by Police Bureau of Investigation who on investigation found no elements of alleged offence and recommended to discharge the accused-appellant from the aforesaid charge. Thereafter learned tribunal on a naraji petition filed by the petitioner-respondent took cognizance against the accused-appellant.

Learned Tribunal in passing the impugned order considered the following aspects “ প্রত্যক্ষদর্শী সাক্ষী রেখে কেউ ধর্ষণের ঘটনা ঘটায় না । সাধারণভাবে ধর্ষণ নিম্নলিখিত বিষয়গুলো সম্পর্কে নিশ্চিত হয়ে ধর্ষণের ঘটনা ঘটায় । যেমন: (১) গোপনে ধর্ষণ কার্য সম্পন্ন করা ; (২) ধর্ষণের ঘটনাটি যেন কেউ না দেখে বা জানে, সে বিষয়ে নিশ্চিত হওয়া ; (৩) ধর্ষণ করার পর তিনি যাতে নিরাপদে ফিরে যেতে পারেন; (৪) যে কোনভাবে ধর্ষিতার সম্মতি আদায় করা যাতে ধর্ষিতা হৈ চৈ না করে এবং ঘটনাটি যেন প্রকাশিত না হয় ইত্যাদি । ফলে, বিশেষ অবস্থা ব্যতিরেকে সচরাচর এরূপ ঘটনার প্রত্যক্ষদর্শী সাক্ষী পাওয়া সম্ভব হয় না । এ মামলার ঘটনা দৃষ্টে দেখা যায় যে, আসামী ভিকটিমকে বিয়ের প্রলোভন দিয়ে বিভিন্ন সময়ে একাধিকারার তার ভাড়া বাসায়

নিয়ে গিয়ে সেখানে সংবাদদাতাকে ধর্ষণ করে এবং ঘটনার তারিখ ও সময়েও সেখানে নিয়ে গিয়ে বিবাহের প্রলোভন দিয়ে ধর্ষণ করেছিলেন মর্মে অভিযোগ। উক্ত প্রেক্ষাপটে এই মামলায় ভিকটিমকে ধর্ষণের প্রত্যক্ষদর্শী সাক্ষী পাওয়ার কোন অবকাশ নেই বিধায় পারিপার্শ্বিক অবস্থাসহ অবস্থাগত সাক্ষীদের বিবৃতি, সংবাদদাতা/ ভিকটিমের বিবৃতি ও সংবাদদাতা/ভিকটিম যাদের ঘটনার বর্ণনা দিয়েছেন তাদের বিবৃতির উপর নির্ভর করে ঘটনার প্রাথমিক সত্যতার বিষয়ে সিদ্ধান্ত গ্রহন করতে হবে। যে কজলিষ্ট এর উপর ভিত্তি করে তদন্তকারী কর্মকর্তা চূড়ান্ত রিপোর্ট দাখিল করেছেন তা কোন চূড়ান্ত প্রমাণ নয়। উল্লেখ্য যে, ঘটনার সময় আসামী তদন্তকারী কর্মকর্তা কর্তৃক উল্লেখিত আসামীর মোবাইল নং ও ফোন সহই ঘটনাস্থলে অবস্থান করেছিল কিনা তা সাক্ষ্য প্রমানের দ্বারা নির্ধারণের বিষয়। আসামী তার নিজ মোবাইল ফোন অন্যকে ব্যবহার করতে দিতেও পারে এবং সে ফোন অন্য কেউ নিয়ে বিভিন্ন জায়গায় অবস্থান করতে পারে। ফলে, কেবলমাত্র মোবাইল কললিষ্টনির্ভর প্রতিবেদন বস্তুনিষ্ঠ হতে পারে না বিশেষ করে যখন সংবাদদাতা/ভিকটিম ও একাধিক সাক্ষীর বিবৃতিতে এবং ভিকটিমের আইননুগ মেডিকেল পরীক্ষার প্রতিবেদনে আসামীর বিরুদ্ধে অভিযোগের প্রাথমিক সত্যতা পাওয়া যায়। এমতাবস্থায়, তদন্তকারী কর্মকর্তা কর্তৃক দাখিলকৃত চূড়ান্ত রিপোর্টটি বস্তুনিষ্ঠ ও গ্রহনযোগ্য নয়।

নারী ও শিশু নির্যাতন দমন আইন, ২০০০ এর ২৭ (১গ) ধারা নিম্নরূপ;

২৭। ধারার উপ-ধারা (১) এবং (১ক) এর অধীন প্রাপ্ত রিপোর্টে কোন ব্যক্তির বিরুদ্ধে অপরাধ সংঘটনের অভিযোগ বা তৎসম্পর্কে কার্যক্রম গ্রহনের সুপারিশ না থাকা সত্ত্বেও ট্রাইব্যুনাল, যথাযথ এবং ন্যায়বিচারের স্বার্থে প্রয়োজনীয় মনে করিলে, কারণ উল্লেখপূর্বক উক্ত ব্যক্তির ব্যাপারে সংশ্লিষ্ট অপরাধ বিচারার্থ গ্রহন করিতে পারিবেন।

উপরোক্ত আলোচনা, কেস ডায়রীতে থাকা সাক্ষীদের বিবৃতি সিডিআর ও ভিকটিমের আইননুগ মেডিকেল পরীক্ষার প্রতিবেদন, সাক্ষীদের এফিডেভিট ও নথি পর্যালোচনায় আসামী মোঃ এরশাদ আলী এর বিরুদ্ধে নারী ও শিশু নির্যাতন দমন আইন, ২০০০ এর ৯(১) ধারার অপরাধ আমলে নেয়ার মতো পর্যাপ্ত উপাদান বিদ্যমান। পুলিশ রিপোর্ট গ্রহণ বিষয়ে শুনানীর পর্যায়ে আসামীপক্ষে তদন্তকারী কর্মকর্তার চূড়ান্ত রিপোর্ট মিথ্যা

গ্রহণ পূর্বক আসামীকে অত্র মামলা হতে অব্যাহতির আবেদন দাখিলের কোন আইনসংগত সুযোগ ও ভিত্তি না থাকায় আসামীপক্ষের উক্ত আবেদন নামঞ্জুর করা হলো।

আসামী মোঃ এরশাদ আলী এর বিরুদ্ধে নারী ও শিশু নির্যাতন দমন আইন, ২০০০ এর ৯(১) ধারার অপরাধ আমলে নেয়ার প্রাথমিক উপাদান বিদ্যমান থাকায় সংবাদদাতাপক্ষে দাখিলী নারাজি আবেদন মঞ্জুরক্রমে নারী ও শিশু নির্যাতন দমন আইন, ২০০০ এর ২৭(১গ) ধারার বিধান অনুসারে যথাযথ ও ন্যায় বিচারের স্বার্থে আসামী মোঃ এরশাদ আলী এর বিরুদ্ধে নারী ও শিশু নির্যাতন দমন আইন, ২০০০ এর ৯(১) ধারার অপরাধ আমলে গ্রহন করা হলো।

On appreciation of the aforesaid findings that learned tribunal based on some imaginary conception allowed the naraji-petition and took cognizance against the accused-appellant of the offence under section 9(1) of 2000 of Nari-O-Shishu Nirjatan Daman Ain against the accused-appellant. Learned tribunal ignored the situation that both the plaintiff-respondent and the accused-appellant developed a romantic relation between them. Admittedly the plaintiff-respondent is a 30 years old women. The witnesses examined under section 161 of the Code of Criminal Procedure corroborated the fact of having such romantic relations between the plaintiff-respondent and the present appellant-petitioner. Being maintained such a relation the plaintiff-respondent and the accused-appellant used to have sexual intercourse together with the consent of each other. Admittedly such intercourse was occurred between them in several occasions for a long period. This contention of the accused-appellant-

petitioner is well supported by the medical report of the concerned doctor who found no sign of forceful sexual intercourse.

Be it be the situation between them, then no rape under the section 9(1) of the Nari-O-Shishu Nirjatan Daman Ain, 2000 was done by the accused-appellant-petitioner.

In this context the case of similar nature was discussed in the case of Jayanti Rani Panda Vs. State of West Bengal reported in 1984 Cri LJ, at page 1535. Jayanti Rani Panda used to be a school teacher, she developed a romantic relationship with her colleague-accused. The accused friend promised to marry Jatanti Rani in some indefinite future time and Jayanti continued to maintained a regular physical relationship with her friend accused. But, as may very often happen, her colleague did not or could not keep his promise. Thus, Jayanti Rani brought a criminal case of rape with a plea that she would not have given consent to sexual intercourses, had her colleague not promised of marriage. In the Indian Supreme Court acquitted the accused and held that

“The failure to keep the promise at a future uncertain date due to reasons not very clear on the evidence does not always amount to a misconception of fact of the inception of the act itself. In order to come with him the meaning of misconception of fact, the fact must have an immediate relevance. The matter would have been different in the consent was obtained by creating a belief that they were already married. In such a case the consent could be said to result from misconception of fact. But here the

fact alleged is a promise to marry we do not when. If a full-grown girl consents to the act of sexual intercourse on a promise of marriage and continues to indulge in such activity until she becomes pregnant, it is an act of promiscuity on her part and not an act induced by misconception of fact. Section 90 of IPC cannot be called in aid in such a case to pardon the act of the girl and fasten criminal liability on the other, unless the court can be assured that from the very inception the accused never really intended to marry her.”

In the aforesaid case of Jayanti Rani Panda it is held that if a full grown girl consents to the act of sexual intercourse and on a promise of the marriage and continues such activity it is an act of promiscuity on her part. So a girl above 18 though claims that she consented to the physical relationship as a result of deceitful. But the same act will be treated as a voluntary act. So, the mischief under section 9(1) is not attracted by the accused-petitioner in this case.

Learned Advocate appearing for the accused-petitioner referred several decisions to substantiate the case of the accused-appellant. He referred the case of Najim Uddin (Md.) Vs. The State reported in 69 DLR (2017) at page 235 where it is held that the mischief under section 9(1) where the act is a voluntary act or on one party of the two contributing to the amicable act cannot be stamped to have committed an offence or rape... also it is observed by the lordship that liberal interpretation of section 9(1) of the

Ain, 2000 tilting towards the adult female partner in one hand, in such cases, may open a flood gate of such embroidered and frivolous litigation and on the other hand, it may sent an improper signal to the society in general and to the female partners in particular.

In the case of Monwar Mallik Vs. The State reported in 59 DLR (2007) at page 301 their lordship observed the following:-

“Since there appeared a good understanding between the accused and the victim, so allegation of applying force to take her to a vacant field seems to be a concocted story to us. If actually she would have been taken to the vacant field against her will, she would certainly have raised hue and cry and neighbors would come to save her but no such occurrence was happened.”

So in taking account the above decisions by their lordship, it appears that the accused-appellant and the plaintiff-respondent maintained a romantic relationship which transformed into physical relationship in several occasion for a long period. The plaintiff-respondent claims that the accused-petitioner raped her on the promise of marriage to her. But in view of the above decisions of their lordship it is found that a intercourse in several occasion with a consent of the women does not attract the offence under section 9(1) of Nari-O-Shishu Nirjatan Daman Ain, 2000.

It is settled principal of law is that “no meritless criminal cases should proceed and must be buried in its inception “is a cornerstone of modern efficient judicial system aimed at

preventing the abuse of process. High Courts have the power to quash criminal proceedings if the complaint does not disclose a prima-facie case, or if continuing the case would be an abuse of the courts process. It is also a principal of criminal law that even all accusation in the complaint are taken as true, they do not constitute a criminal offence.

Considering the nature of the accusation brought by the plaintiff-respondent, the instant complaint does not disclose prima-facie case and if the instant case let continuing this would be an abuse of the Courts Process.

Most importantly on appreciation of the impugned judgment and order of the learned tribunal, the learned Tribunal took cognizance of the offence against the accused-appellant in the context of the provision under section 27.

Section 27 run as follows:-

২৭। {(১) সাব-ইন্সপেক্টর পদমর্যাদার নিম্ন নহেন এমন কোন পুলিশ কর্মকর্তা বা এতদুদ্দেশ্যে সরকারের নিকট হইতে সাধারণ বা বিশেষ আদেশ দ্বারা ক্ষমতাপ্রাপ্ত কোন ব্যক্তির লিখিত রিপোর্ট ব্যতিরেকে কোন ট্রাইব্যুনাল কোন অপরাধ বিচারার্থ গ্রহণ করিবেন না । (১ক) কোন অভিযোগকারী উপ-ধারা (১) এর অধীন কোন পুলিশ কর্মকর্তাকে বা ক্ষমতাপ্রাপ্ত ব্যক্তিকে কোন অপরাধের অভিযোগ গ্রহন করিবার জন্য অনুরোধ করিয়া ব্যর্থ হইয়াছেন মর্মে হলফনামা সহকারে ট্রাইব্যুনালের নিকট অভিযোগ দাখিল করিলে ট্রাইব্যুনাল অভিযোগকারীকে পরীক্ষা করিয়া,-

(ক) সন্তুষ্ট হইলে অভিযোগটি অনুসন্ধানের জন্য কোন ম্যাজিস্ট্রেট কিংবা অন্য কোন ব্যক্তিকে নির্দেশ প্রদান করিবেন এবং অনুসন্ধানের জন্য নির্দেশপ্রাপ্ত ব্যক্তি অভিযোগটি অনুসন্ধান করিয়া সাত কার্য দিবসের মধ্যে ট্রাইব্যুনালের নিকট রিপোর্ট প্রদান করিবেন :

(খ) সন্দেহ না হইলে অভিযোগটি সরাসরি নাকচ করিবেন ।

(১খ) উপ-ধারা (১ক) এর অধীন রিপোর্ট প্রাপ্তির পর কোন ট্রাইব্যুনাল যদি এই মর্মে সন্দেহ হয় যে,-

(ক) অভিযোগকারী উপ-ধারা (১) এর অধীন কোন পুলিশ কর্মকর্তাকে বা ক্ষমতাপ্রাপ্ত ব্যক্তিকে কোন অপরাধের অভিযোগ গ্রহন করিবার জন্য অনুরোধ করিয়া ব্যর্থ হইয়াছেন এবং অভিযোগের সমর্থনে প্রাথমিক সাক্ষ্য প্রমাণ আছে সেই ক্ষেত্রে ট্রাইব্যুনাল উক্ত রিপোর্ট ও অভিযোগের ভিত্তিতে অপরাধটি বিচারার্থ গ্রহন করিবেন;

(খ) অভিযোগকারী উপ-ধারা (১) এর অধীন কোন পুলিশ কর্মকর্তাকে বা ক্ষমতাপ্রাপ্ত ব্যক্তিকে কোন অপরাধের অভিযোগ গ্রহন করিবার জন্য অনুরোধ করিয়া ব্যর্থ হইয়াছেন মর্মে প্রমাণ পাওয়া যায় নাই কিংবা অভিযোগের সমর্থনে কোন প্রাথমিক সাক্ষ্য প্রমাণ পাওয়া যায় নাই সেই ক্ষেত্রে ট্রাইব্যুনাল অভিযোগটি নাকচ করিবেন । }

sub-section 27 1(ga) refills that:-

(১গ) উপ-ধারা (১) এর (১ক) এর অধীন প্রাপ্ত রিপোর্টে কোন ব্যক্তির বিরুদ্ধে অপরাধ সংঘটনের অভিযোগ বা তৎসম্পর্কে কার্যক্রম গ্রহনের সুপারিশ না থাকা সত্ত্বেও ট্রাইব্যুনাল, যথাযথ এবং ন্যায়বিচারের স্বার্থে প্রয়োজনীয় মনে করিলে, কারণ উল্লেখপূর্বক উক্ত ব্যক্তির ব্যাপারে সংশ্লিষ্ট অপরাধ বিচারার্থ গ্রহন করিতে পারিবেন ।

In the instant case the learned tribunal has failed to refer sufficient cause in taking cognizance against the accused-appellant. He simply says that on perusal of the statement of the witnesses, CDR, medical report, found sufficient ingredients of taking cognizance against the accused-appellant.

But on perusal of the statement under section 161 of the Code of Criminal Procedure the witnesses did not support the allegation of the plaintiff-respondent against the accused-appellant. Similarly medical report reveals that there is no sign of

sexual intercourse. Had the evidence and the medical reports reveals the above fact, then the learned tribunal had got no reason to take cognizance against the accused-appellant. So we found no reason is mentioned by the learned Tribunal as incorporated in sub-section 27 1(ga) in the present case.

More so learned tribunal did not examine the witnesses of the plaintiff-respondent those are referred in naraji petition. Learned tribunal ought to have examined the plaintiff-respondent-opposite parties witnesses in taking cognizance on the basis of the naraji petition.

So, the order of taking cognizance against the accused-appellant without testifying the witnesses of the naraji petition suffers gross irregularities.

In view of the discussion made here above this Court led to find that the impugned order of taking cognizance passed by the learned Tribunal warrant interference by this Court. The impugned order is liable to be set aside.

In the result, the Appeal is allowed.

The Order dated 29.05.2024 passed by the learned Judge (District and Sessions Judge), the Nari-O-Shishu Nirjatan Daman Tribunal, Joypurhat in Nari-O-Shishu Case No. 156 of 2023 (arising out of Joypurhat Sadar Police Station Case No.01 dated 02.05.2023 corresponding to G.R. Case No.262 of 2023 under section 9(1) of the Nari-O-Shishu Nirjatan Daman Ain, 2000 (as amended in 2003), taking cognizance

against accused-appellant now pending before the Nari-O-Shishu Nirjatan Daman Tribunal, Joypurhat is hereby set aside.

Communicate the judgment to the concerned Court at once.

Md. Anowarul Islam ,J

I agree.