



4-7-11, 4-7-11, 4-7-11, 06-07-11, 06-07-11

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

WRIT PETITION NO. 3621 OF 2002

IN THE MATTER OF:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

Fundamental rights guaranteed by the Constitution to be secured against illegal entry, search and seizure as enshrined by Article 43 of the Constitution

AND

IN THE MATTER OF:

Fundamental rights guaranteed by the Constitution against all forms of torture or cruel, inhuman and degrading punishment or treatment as enshrined by Article 35(5) of the Constitution.

AND

IN THE MATTER OF:

Fundamental rights of equal protection of law guaranteed by the Constitution as enshrined by Article 27 of the Constitution.

AND

IN THE MATTER OF:

Fundamental rights for protection of law and to be treated in accordance with law and only in accordance with law guaranteed by Article 31 of the Constitution

AND

IN THE MATTER OF:

1



Fundamental rights for protection against any action detrimental to the life, liberty and body except in accordance with law as guaranteed by Article 31 of the Constitution.

AND

IN THE MATTER OF:

Fundamental rights for protection against any deprivation of life and personal liberty save in accordance with law as guaranteed by Article 32 of the Constitution.

AND

IN THE MATTER OF:

Violation of provisions contained in Chapter V: "Of Arrest, Escape and Retaking" and Chapter VII: "B- "Search Warrants" of Criminal Procedure Code, 1898.

AND

IN THE MATTER OF:

Ain O Salish Kendro (ASK), represented by Ms. Sultana Kamal, Executive Director, of 26/3 Purana Paltan Line, Police Station-Motijheel, District-Dhaka-1000 and others.

.....Petitioners.

-Versus-

1. The Government of the People's Republic of Bangladesh, represented by the Secretary, Ministry of Home Affairs, Bangladesh Secretariat, Police Station-Ramna, District Dhaka-1000.
2. The Director General, Bangladesh Rifles (BDR), BDR Headquarters, Pilkhana, Police Station - Dhanmondi, District- Dhaka.
3. The Director (Operation), Bangladesh Rifles (BDR), BDR Headquarters, Pilkhana, Police Station-Dhanmondi, Dhaka.
4. Superintendent of Police, Police Station Sadar, District: Narayanganj.
5. The Commissioner of Police, Dhaka Metropolitan Police, Shahid Captain Mansoor Ali Sharani, Ramna, District- Dhaka.

.....Respondents

৯



AND

IN THE MATTER OF:

Unauthorized, illegal, and forcible entry, search and seizure and unlawful arrest by the BDR personnel in the name of alleged operations.

AND

IN THE MATTER OF:

Unlawful, illegal and inhuman torture of arrested persons by the BDR personnel in course of the so-called operations.

AND

IN THE MATTER OF:

Wilful deprivation of liberty and serious harm to body and irreparable damage to the reputation of citizens by the BDR personnel in course of the so-called operation.

AND

IN THE MATTER OF:

Unauthorised and illegal exercise of police power by the BDR, exceeding the power and authority conferred on the BDR by the applicable laws.

AND

IN THE MATTER OF:

Violation of the mandate of the Constitution by the BDR authority in particular Unlawful search, seizure, arrest and torture of the victim as stated in **Paragraph 9** of this petition.

Present:

Mr. Justice Zubayer Rahman Chowdhury

And

Mrs. Justice Farah Mahbub

The 06th day of July, 2010.



No one.....For the petitioner

Mr. Khurshid Alam Sarker, DAG.....For the respondent

The instant writ petition has been appearing in the cause list of this Court with the name of the learned Advocate for the petitioner.

When the matter was taken up for hearing on 04.07.2010, no one appeared on behalf of the petitioner and the matter was passed over at the Court's instance. On 05.07.2010, when the matter was taken up for hearing, no one appeared on behalf of the petitioner and once again, the matter was passed over at the Court's instance.

Today, the matter was taken up in the morning, but none was found present on behalf of the petitioner and it was passed over at the Court's instance. Now, when the matter is taken up after recess, none is found present on behalf of the petitioner.

Accordingly, the Rule is discharged for default.

The direction, upon the respondents not to arrest or harass the persons named in the application without due process of law, stands recalled.

There will be no order as to cost.


The office is directed to communicate the order at once.

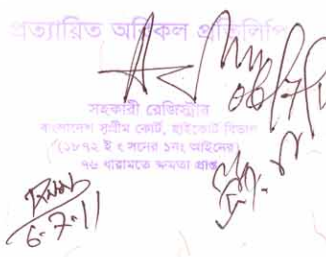
Z. R. Chowdhury

Farah Mahbub

Type by: 
06.07.2011

Read by: 

Exd. by: 
6.7.11

প্রত্যায়িত অধিকার প্রকল্প
সহকারী রেজিস্ট্রার
বাংলাদেশ সর্বোচ্চ কোর্ট, হাইকোর্ট বিচার
১০৮/১২ ই বঙ্গবাজার ১লা, আহমেদাবাদ
১৬৬ বাস্তবতে আমতা হাট


৫
২