

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

WRIT PETITION NO. _____ OF 2012.

IN THE MATTER OF:

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

AND

IN THE MATTER OF:

Public Interest Litigation (PIL)

AND

IN THE MATTER

1. Human Rights and Peace for Bangladesh (HRPB) Represented by it's Secretary Advocate Asaduzzaman Siddiqui, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

..... Petitioner.

-V E R S U S-

1. Bangladesh represented by the Secretary Ministry of Home Affairs, Bangladesh Secretariat, P.S.: Ramna, District: Dhaka.

2. The Inspector General of Police (IGP) Police Bhaban, Phulbaria, P.S.; Ramna, District- Dhaka.

3. The Police Super, Bogura, District- Bogura, Bangladesh.

4. The Police Super, Joypurhat, District- Joypurhat, Bangladesh.

5. The Police Super, Natore, District- Natore, Bangladesh.

6. The Officer in Charge (O.C.), Bogura Sadar Thana, District- Bogura, Bangladesh.

.....Respondents.

GROUND S

I. For that the duty and responsibility vested upon the law enforcing agency to protect the citizen from any illegal detention. The respondents are also duty bound to obey the provision of law. It is the duty of a police officer to investigate the case where provision of law has been violated but illegally detained the victim and they have failed to perform their duties and responsibility as per the law. Hence direction may be given upon the respondents to bring the victim before this court to satisfy that she is not detained without lawful authority .

II. For that the persons who are liable for illegal detention they must be punished under the provision of law. More over as per Article 21 of the constitution of the Peoples Republic Of Bangladesh duty of every citizen and public servant is to observe the constitution and law but failed it by the respondents. Hence a direction may be given upon the Respondent to produce the victim Anjuara Begum, wife of

Abdul Aziz of Nishindara, Paikpara, Sadar Thana, District-Bogura, before this court to satisfy that she has not detained illegally.

III. For that the law enforcing agency has failed to do their job as vested upon them, hence a direction may be given upon them to take necessary steps against the violators of the law .

IV. For that the custody of victim is illegal and without lawful authority because she is not the accused of the case under which reference she has been arrested. Failure of the authorities to enjoy freedom of the citizen is also violation of existing applicable laws, as well as human rights. It is contrary to the laws of Bangladesh and against the Constitution. Hence direct the respondents to bring the victim Anjuara Begum before this court to satisfy that she is not being held in custody without lawful authority or in an unlawful manner.

Wherefore it is most humbly prayed that your Lordships would graciously be pleased to issue: -

a) A Rule Nisi calling upon the Respondents to show cause as to why a direction should not be given upon the respondents to produce the victim Anjuara Begum, wife of Abdul Aziz of Nishindara, Paikpara, Sadar Thana, District-Bogura, before this court to satisfy that she is not being held in custody without lawful authority or in an unlawful manner.

b) Pending hearing of the rule direct the respondent no. 3-6 to appear in person on 31.10.2012 at 10.30 am before this court and also directed to produce the victim Anjuara Begum, wife of Abdul Aziz of Nishindara, Paikpara, Sadar Thana, District-Bogura before this court at the same time.

Present Status

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court issued Rule Nisi upon the respondents and granted ad-interim order. The matter was heard and disposed of the rule with a direction to release the victim from High Court.
