

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 of the
Constitution of the People's Republic of
Bangladesh.

AND

IN THE MATTER OF:

Public Interest Litigation (PIL).

AND

IN THE MATTER OF:

1. Human Rights and Peace for Bangladesh
(HRPB), represented by it's Secretary,
Advocate Asaduzzaman Siddique, 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.: Shahbag, District: Dhaka.

2. The Secretary, Ministry of Information,
Bangladesh Secretariat, P.S.: Shahbag,
District: Dhaka.

3. Inspector General of Police (IGP), Police
Head Quarter Bhaban, Ramna, Dhaka,
Bangladesh.

4. The Director General (D.G.), Rapid
Action Batalian (RAB), RAB Head quarter,
Uttara, Dhaka, Bangladesh.

5. The Police Commissioner, Dhaka
Metropolitan Police (DMP), District- Dhaka.

6. The Deputy Police Commissioner, (South)
Detective Branch (D.B.), Mintu Road, Dhaka,
Bangladesh

7. The officer in charge, Farmgate Thana, P.S.
Farmgate, District-Dhaka, Bangladesh

.....Respondents.

AND

IN THE MATTER OF:

For a direction upon the respondents to find out the real culprit who killed the journalist Sagar Sarwar and Meherun Runi at their residence and complete the investigation as early as possible and ensure the trail of the killer in accordance with law.

GR OUNDS

- I. For that Article 31 of the constitution of Bangladesh has provided a provision that ‘to enjoy protection of law and to be treated in accordance with law and only in accordance with law’ but in the instant case it has been violated by the law enforcing agencies.
- II. For that the duty and responsibility vested upon the administration to protect the life of the persons. The respondents are also duty bound to obey the provision of law. It is the duty of an officer to perform the duties in accordance with law, but they have failed to perform the duties and responsibility as per the constitution. Hence a direction may be given upon the respondent to conclude the investigation as early as possible.
- III. For that the duty and responsibility vested upon the administration to serve the people and they are duty bound to obey the provisions of law. It is the duty of an officer to act legally but no law has been allowed him to treat the citizen in an unlawful manner. But the respondent has failed to perform the duties and responsibility as per the constitution.
- IV. For that under Article 31 of the constitution of Bangladesh everyone is to be treated in accordance with law. According to the news report the provision of Article 21 and 31 of the Constitution of Bangladesh has been violated.
- V. For that during the investigation the police failed to arrest the killer which violate the rights of the victim family to get justice. Moreover, by way of placing statement by the police officer about a matter which is pending for investigation the outcome of the investigation could be frustrate. The speculative report about judgemia is creating a confusion amongst the citizen of the country and by which the police mat confused and ultimately investigate will be frustrate.

Wherefore, it is most humbly prayed that Your Lordships would graciously be pleased to;-

a) Direct the office to register this application as a Writ Petition.

b) Issue a Rule Nisi calling upon the Respondents to show cause as to why a direction should not be given upon the respondents to find out the cause of the killing of Journalist Sagar Sarwar and Meherun Runi and bring the killer before the court of justice as early as possible.

c) Pending hearing of the Rule direct the respondents not to publish any statement to press and electronic media without any specific development of the investigation of the killing case of Journalist Sagar Sarwar and Meherun Runi.

d) Pending hearing of the rule direct the respondent no. 2 to take immediate steps within 24 hours so that no speculative news such as “আরেক জজ মিয়া খুজছে পুলিশ এবং আরেক জজ মিয়া প্রস্তুত” can be published in the media which may frustrate the investigation of the killing case of Journalist Sagar Sarwar and Meherun Runi.

e) Direct the office to serve the notice upon the respondents at the cost of office.

f) Upon hearing the cause if any shown makes the rule absolute.

g) Pass such other or further order or orders as your Lordships may deem fit and proper.

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 is pending before the Hon'ble High Court Division.