

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

WRIT PETITION NO. OF 2014.

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:

Human Rights and Peace for Bangladesh (HRPB), represented by its 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. Inspector General of Police (IGP), Police Head Quarter Bhaban, Ramna, Dhaka, Bangladesh.
3. The Director General (D.G.), Rapid Action Batalian (RAB), RAB Head quarter, Uttara, Dhaka, Bangladesh.
4. The Police Commissioner, Dhaka Metropolitan Police (DMP), District- Dhaka.
5. The Superintendent of Police, Kishorgonj, Post and P.S. Kishorgonj, District- Kishorgonj.
6. The officer in charge, Kishorgonj Model Thana, P.S. and District- Kishorgonj, Bangladesh.
.....Respondents.

AND

IN THE MATTER OF:

For a direction upon the respondents to investigate the allegation of terrorist connection in the incident of robbery of Sonali Bank money at Kishorgonj and find out the real culprits who have committed the robbery and bring the offenders before the court of justice as early as possible.

G R O U N D S

I. For that Article 21 of the constitution of Bangladesh has provided a provision that ‘the duty of every public servant is to perform public duties and to observe the constitution and the laws’. But in the instant case the respondents handed over the charge of investigation to the police, though they had to hand over the matter to investigate properly to the Rapid Action Battalion (RAB) to trace the actual offenders and the *jongi* network and ensure the trail of the robbers in accordance with law. So, the provision of Article 21 of the Constitution of Bangladesh has been violated by the law enforcing agencies.

II. For that the duty and responsibility vested upon the respondent law enforcing agencies to protect the life and property 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 hand over the charge of investigation to the Rapid Action Battalion (RAB) as early as possible.

III. For that it is the duty of an officer to act legally but no law has been allowed him to perform his duty in an unlawful manner. But the respondent has failed to perform the duties and responsibilities as per the constitution.

IV. For that the police failed to arrest the offenders and recover the looted money rather the Rapid Action Battalion (RAB) has done such act successfully. Moreover, the Rapid Action Battalion (RAB) has found some important information about the said occurrence. So by way of placing the charge to investigate such a matter to the police, the out come of the investigation could be frustrated. Hence, such kinds of investigation may be conducted by RAB.

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

a) Issue a Rule Nisi calling upon the Respondents to show cause as to why a direction should not be given upon the respondents to investigate the allegation of terrorist connection in the incident of robbery of Sonali Bank money at Kishorgonj and find out the real culprits who have committed the robbery and bring the offenders before the court of justice as early as possible.

c) Pending hearing of the rule direct the respondent no. 1 and 2 to take steps within 48 hours to hand over the case of robbery of Sonali Bank money at Kishorgonj to the respondent no. 3 and file a compliance report within 2 weeks before this court.

Present status:

The case was filed 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 Rule is pending before the Hon’ble High Court Division.
