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IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)
WRIT PETITION NO: 8333 OF 2006.

In the matter of;

An application under Article 102 of the Constitution read with Article 44 of the Constitution of the People's Republic of Bangladesh (the Constitution)

And

In the matter of;

Articles 27, 31 and 32 of the Constitution.

And

In the matter of;

1. Bangladesh Legal Aid and Services Trust (BLAST) 141/1, Segun bagicha Dhaka. represents by its Executive Director, Taslimur Rahman.

..... Petitioner.

Versus

1. Bangladesh, represented by the Secretary, Ministry of Home Affairs, Government of the People's Republic of Bangladesh. Secretariat, Building 4, Ramna, Dhaka-1000.
2. Inspector General of Prisons, Nazimuddin Road, Police station - Lalbag, District- Dhaka.
3. The Jailer, Cox's Bazar Jail, District-Cox's Bazar... Respondents.

And

In the matter of;

Maung Pur alias Abdul Malate son of Abdul Mawjit of Posi Pike Thi village, Wakin village Tract, Kyauktaw Township under Akyab District, Arakan alias Abdul Malek (82) son of Abdul Majed of village, Adhunagar,

P.S. Lohagara, Distri



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P.S. Lohagara, District - Chittagong, Bangladesh now being detained in Cox's Bazar District Jail for 12 (twelve) years after serving out the terms of ~~xxxxxxx~~ his conviction..... Detenu.

And

In the matter of;

Detention of the detenu Abdul Malek now being detained in Cox's Bazar District Jail in connection with Judgment and order of conviction dated 25.2.1995 passed by Special Tribunal No.1 Cox's Bazar convicting him under section 25B of the Special Powers Act sentencing him to suffer rigorous imprisonment for 2 (two) years and a fine of TK. 1,000/- in default to suffer rigorous imprisonment for 6 (six) months more.

Present;

Mr. Justice Nozzrul Islam Chowdhury

and

Mr. Justice Zubayer Rahman Chowdhury

The 21st day of August, 2006

Mr.Md.Idrisur Rahman Advocate . . . for the petitioners.

5 Let a Rule Nisi issued calling upon the respondents to show cause why the detention of Maung Pru alias Abdul Malate son of Abdul Mawjit of Peai Pike Thi village Wakin village Track, Kyauktaw Township under Akyah District, Arakan alias Abdul Malek (82) son of Abdul Majid of village -Aghunagar, P.S. Lohagare, District-Chittagong, Bangladesh now being detained in Cox's Bazar District Jail, shall not be brought before this Court to satisfy itself that the detenu is not being held in custody without lawful Authority or in an unlawful manner and as to why he shall not be set at liberty forthwith and/or such other or further order or orders passed at to this court may seem fit and

Propo₂



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proper.

At this stage Mr. Idrisur Rahman, learned Advocate for the petitioner - nor undertakes to take the entire responsibility both for the custody of the prisoner and for proper and adequate treatment for him in the event he is allowed to remain in the custody of the Petitioner namely Bangladesh Legal Aid Services Trust in short BLAST. In view of the undertaking given by the learned Advocate for the petitioner and corroborated by Ms. Sigma Huda, a Senior Advocate of this Court who also submits that she is the member of the trusted board of the petitioner organization, We direct the respondents to release the detenu Manug Prualias Abdul Malak, son of Abdul Mawjib of Pasi pike Thi village, Wakin village Tract, Kyawktaw Township under Akyab District Arakan alias Abdul Malak (82) son of Abdul Kajeed of village Adhunagar, P.S. Lohagara, District- Chittagong, Bangladesh who is in Chittagong Medical College Hospital (ward No. 26, fourth floor, seat No. 39) for treatment of his leg injury forthwith and Mr. Rezaul Karim Chowdhury, Advocate who is also a Co-ordinator of Chittagong Unit of the petitioner organization will take over the custody of the prisoner from the jail authority upon such release on proof of his sufficient identity in that regard. The said Co-ordinator of Chittagong unit of the petitioner shall be responsible for the proper custody and treatment of the prisoner during such custody and the period of such custody shall continue until further order from this court.

The Respondents are also directed to make sure that the said prisoner is neither fettered nor restrained with any sort of iron rings and bars as contemplated under the Jail Code during such custody of the prisoner with the petitioner, as directed by this Court.

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Mr, Rezaul Karim Chowdhury, the Co-ordinator of Chittagong Unit of the petitioner organization is directed further to produce the detenu before this court as and when he is directed accordingly.

Pending disposal of the Rule, the respondents are directed further to investigate about the nationality of the detenu and to furnish a report within 6(six) weeks from the date of receipt of this order. The respondents are also directed to certify and transmit the records of the case connected with the aforesaid prisoner before this court to be dealt with in accordance with law.

The office is directed to transmit a copy of this order to Respondent Nos. 2 and 3 for compliance.

The Rule is made returnable within 6(six) weeks.

N.I.Chowdhury

Z.Rahman Chowdhury.

A.Begum/ 04.09.06

Road by; *২ জন/১৩*

Hcmn.by; *৪/১/০৬*

ব্যক্তিগত অবিকল প্রতিলিপি

N.I.Chowdhury
সহকারী জজের দপ্তর
গণপ্রজাতন্ত্রী বাংলাদেশের হাইকোর্ট বিচার বিভাগ
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