

District-Rangpur

**IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(CRIMINAL MISCELLANEOUS JURISDICTION)**

CRIMINAL MISCELLANEOUS CASE NO..... OF 2025

Present:

Mr. Justice Md. Khairul Alam

And

Mr. Justice K.M. Emrul Kayesh

IN THE MATTER OF:

Debangshu Kumar Sarkar

..... Petitioner

-VERSUS-

The State

..... Opposite party

Mr. Midul Islam Chunnu, Advocate

...For the petitioner.

Mrs. Shiuli Khanom, D.A.G. along with

Mr. Mohammad Osman Chowdhury, D.A.G.

Mr. S.M. Emamul Musfiqur A.A.G.

Mr. Md. Nazrul Islam Choton, A.A.G.

Mr. Md. Muzammal Haq A.A.G.

Mr. Md. Humayun Karim A.A.G.

...For the State.

Order dated the 4th March, 2025

By filing this application under section 526 of the Code of Criminal Procedure, the accused petitioner Debangshu Kumar Sarkar prays for withdrawing Nari-o-Shishu Case No. 67 of 2023 arising out of a Petition Case No. 37 of 2022, under sections

11(ka), 11(kha) and 30 of the Nari-o-Shishu Nirjatan Daman Ain, 2000 (as amended in 2003) (hereinafter referred to as “the Ain”) from the Court of Nari-O-Shishu Nirjatan Daman Tribunal No. 1, Rangpur and to transfer the same to the Court of Nari-O-Shishu Nirjatan Daman Tribunal No.2, Rangpur.

The epitome of the petition filed by the petitioner under section 526 of the Code of Criminal Procedure is that one Dr. Ridita Sorkar, daughter of Naraon Sorkar as a complainant filed a petition of complaint before the Nari-O-Shishu Nirjatan Daman Tribunal No. 1, Rangpur under sections 11(ka), 11(kha) and 30 of the Ain read with section 323 of the Penal Code alleging, inter alia, that on 25.08.2021 at 8.00 am the petitioner physically tortured the victim for demand of dowry of Taka 30 lakhs. On 28.03.2022, the petitioner also beat the victim for the dowry for which the victim took treatment from Rangpur Medical College Hospital and thereby filed this case. The learned Judge of the Nari-O-Shishu Nirjatan Daman Tribunal No. 1, Rangpur after examining the complainant under section 200 of the Code of Criminal Procedure, passed an order for holding an inquiry by the officer of the Police Bureau of Investigation, whereupon a report without involving the accused petitioner was filed. But the judge

of the Nari-O-Shishu Nirjatan Daman Tribunal No. 1, Rangpur on 08.02.2023 took cognizance against the petitioner under sections 11(ka), 11(kha), and 30 of the Ain without considering the report. In the course of the trial, the petitioner filed an application under section 265C of the Code of Criminal Procedure for discharging him, which was rejected and the charge was framed against the petitioner under sections 11(ka), 11(kha), and 30 of the Ain.

Mr. M. Midul Islam Chunnu, the learned Advocate appearing for the accused petitioner submitted that the Judge of the Nari-O-Shishu Nirjatan Daman Tribunal No. 1, Rangpur took cognizance against the petitioner without considering the inquiry report and had been trying to dispose of the case hurriedly which created serious doubt that being an internee doctor of Rangpur Medical College Hospital and the Vice-President of Internee Doctors Association, in Rangpur, the complainant may influenced the Judge of the Tribunal by applying her personal capacity. He further submits that if the case is withdrawn and transferred from the said tribunal to any other tribunal in Rangpur would not cause any harm to the complainant and the witnesses.

On the other hand, Mrs. Shiuli Khanom, Deputy Attorney General seriously opposed the application.

Heard the submissions advanced by the learned Advocates of both parties and perused all relevant papers and materials on record as well as the supplementary affidavit submitted by the petitioner. It appears from a plain reading of the petition and the supplementary affidavit that there is an apprehension posed in the mind of the petitioner that he would not get fair justice from the Court of Nari-O-Shishu Nirjatan Daman Tribunal No. 1, Rangpur.

It is notable to mention that there is more than one Nari-O-Shishu Nirjatan Daman Tribunal in Rangpur to try this case.

Considering the facts and circumstances of the case and the provision as envisaged under section 526 of the Code of Criminal Procedure, we are of the view that the demand for justice would be best served if Nari-O-Shishu Case No. 37 of 2022 is withdrawn from the court of Nari-O-Shishu Nirjatan Daman Tribunal No.1, Rangpur and the same is transferred to Nari-O-Shishu Nirjatan Daman Tribunal No.2, Rangpur for trial.

Accordingly, the application is disposed of summarily, without issuing any Rule.

The office is directed to communicate a copy of the order to the learned Judge, Nari-O-Shishu Nirjatan Daman Tribunal No.1, Rangpur to take necessary steps to transmit the case record of

Nari-O-Shishu case being No.37 of 2022 to Nari-O-Shishu Nirjatan Daman Tribunal No.2, Rangpur for expeditious trial and disposal. The office is also directed to communicate a copy of the order to the learned Judge, Nari-O-Shishu Nirjatan Daman Tribunal No. 2, Rangpur to take necessary steps as per the direction given herein above.

Kashem, B.O