

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

Writ Petition No. 15987 of 2023

IN THE MATTER OF:

An application under Article 102(2)(a)(i) and  
(ii) of the Constitution of the People's Republic  
of Bangladesh.

AND

IN THE MATTER OF:

Md. Fakhrul Alam

....Petitioner

Versus

Government of the People's Republic of  
Bangladesh, represented by the Secretary,  
Ministry of Home Affairs, Bangladesh  
Secretariat, Ramna, Dhaka and others

....Respondents

No one

....For the Petitioner

Mr. Tirtha Salil Pal, Advocate

....For the Respondent No. 7

Present:

Mr. Justice Md. Iqbal Kabir

And

Mr. Justice Md. Riaz Uddin Khan

Judgment on 04.11.2024.

Md. Iqbal Kabir, J:

At the instance of the petitioner this Rule Nisi was issued in  
following terms:

“Let a Rule Nisi be issued calling upon the respondents to  
show cause as to why the impugned Order dated  
26.06.2023 passed by the learned Metropolitan Senior  
Special Judge, Court No. 01, Dhaka in Metro Special Case  
No. 146 of 2022 arising out of Paltan Model Police Station  
Case No. 55 dated 23.09.2015 corresponding to G.R. Suit  
No. 393 of 2015, now pending in the Court of learned  
Metropolitan Sessions Judge, 1<sup>st</sup> Court, Dhaka restraining  
the petitioner namely Md. Fakhrul Alam from visiting abroad  
for 02(two) months without serving any show cause notice  
and without affording him any opportunity to controvert the  
application filed by the Anti-Corruption Commission should  
not be declared to have been passed without lawful  
authority and is of no legal effect and as to why the

respondents should not be directed to lift all embargo or bar upon the petitioner and allow him to leave and re-enter freely from and to Bangladesh and/or pass such other or further order or orders as to this Court may seem fit and proper.”

At the time of the issuance of the Rule, this Court passed an interim order in the following manner:

“Pending hearing of Rule, the respondents are directed to allow the petitioner to go abroad and re-enter Bangladesh bearing Old Passport No. BR0900714 and New Passport No. A07159661 for a period of 03(three) months from date.”

However, the learned Advocate for respondent No. 7 took us to the order dated 26.06.2023 passed by the learned Metropolitan Senior Special Judge, Court No. 01, Dhaka. By the alleged order of this Court dated 26-06-2023, the petitioner has been restrained to travel abroad for a period of 60 (Sixty) days from the date of the order.

He submits being aggrieved petitioners challenged the impugned order 26.06.2023, wherein the Court below restrained the petitioner to travel abroad for sixty days from 26.06.2023 to 25.08.2023. According to him concerned restrain order against the petitioner was operative from 26.06.2023 to 25.08.2023. The alleged period of restriction has already been elapsed, the impugned order has lost its efficacy and therefore the petitioners have remained with no operative issues of grievance.

He submits this Court on 11-12-2023 issued Rule Nisi i.e., after elapsed of such restrained period. Though after 25.08.2023 there was no embargo upon the petitioner.

No one appears on behalf of the petitioners to press the Rule.

On perusal, it appears that the content of the order clearly states that the present petitioner was restrained for 60 (sixty) days from passing the order dated 26.06.2023. After elapsed of that 60 (sixty) days period petitioners bring this petition and obtain such order.

It is at this juncture, that it appears there was no reason to issue Rule Nisi since there was no embargo at the time of issuance of the Rule Nisi.

However, the impugned order has no more force and, there remains no more operative cause of action at all for any further adjudicating.

This Court finds substance in the submissions made by respondent No. 7.

Accordingly, Rule Nisi is discharged.

The interim order of direction granted at the time of issuance of the Rule is hereby recalled and vacated.

There will be no order as to cost.

Communicate the order.

Md. Riaz Uddin Khan, J:  
I agree.