

IN THE SUPREME COURT OF BANGLADESH

APPELLATE DIVISION

Present:

Mr. Justice Surendra Kumar Sinha, Chief Justice,
Mr. Justice Syed Mahmud Hossain,
Mr. Justice Hasan Foez Siddique,
Mr. Justice Mirza Hussain Haider.

CRIMINAL REVIEW PETITION NO. 83 OF 2016.

(From the Judgment and order dated 31.10.2016 passed by this Division in Criminal Petition for Leave to Appeal No.975 of 2016).

Md. Mahmudur Rahman

Petitioner

-Versus-

The State, represented by the Deputy
Commissioner, Dhaka and others

Respondents.

For the Petitioner : Mr. A.J. Mohammad Ali, Senior Advocate
instructed by Mr. Zainul Abedin, Advocate-on-Record.

For the Respondents : Mr. Mahbubey Alam, Attorney General with Mr.
Murad Reza, Additional Attorney General.

Date of hearing : The 09th January, 2017.

ORDER

This is an application for review of the judgment of this court so far it relates to the direction upon the petitioner to deposit his international passport with the learned Chief Metropolitan Magistrate, Dhaka at the time of submission of his bail bond if it has not been seized by the police, in the meantime.

Mr. A.J. Mohammad Ali, learned counsel appearing for the petitioner submits that the petitioner Md. Mahmudur Rahman's passport has already been seized by the police. The petitioner requires surgical intervention immediately

W.D.: abroad and along ^{with} the application, he has filed a medical report. This court has

directed the authority of Dhaka Medical College and Hospital to constitute a

W.D.: medical board for clinical examination and on reviewing all investigation reports ^{submit a}

to report ^{to} this court as to whether he requires surgical intervention in UK. The

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Superintendent
Appellate Division
Supreme Court of Bangladesh

“Multiple disc prolapses at C4 to C7 , disc prolapsed at L4-5 lumbar with sciatica and weakness of his legs and altered Bowl habit.

Would you kindly see this 63 year old man urgently with above diagnosis, with a view to carrying out further tests and surgical treatment.

Attached please find my letter to British Embassy in Bhangladesh and consultation notes from Dr. Fowaz Hossain and Dr. MD. Kamrulashan of United Hospital in Dhaka.”

On perusal of the report of the medical board, we find that it has suggested the petitioner to obtain a 2nd opinion by another specialist in an advanced center.

Mr. Mahbubey Alam, learned Attorney General has strongly opposed the prayer for return of the passport and allowing Md. Mahmudur Rahman to leave the country. He submits that if he leaves the country, he will not return back and in that case, the trial of the case will be hampered. He further submits that the petitioner will involve in political activities in UK.

We have given our anxious consideration to the facts and circumstances of the matter. Since the petitioner has been suffering from cervical vertebrae and the medical board has suggested for evaluation of his reports for surgical intervention by ^{an another} ~~other~~ specialist in an advanced centre, on humanitarian consideration we allow the application.

Mr. A.J. Mohammad Ali, learned counsel submits that the period of passport of the petitioner has expired in the meantime. So after return of the

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[Signature]
Superintendent
Appellate Division
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The prayer for return of his passport is allowed subject to condition that he must return into the country within the period fixed by this court and that he is directed not to involve in political activities abroad. In case, he does not return as per direction of this court, the court below shall proceed ^{with the case} in accordance with law. We direct the Chief Metropolitan Magistrate, Dhaka to return the passport of the petitioner within 24(twenty four) hours from the date of receipt of the order. We allow the petitioner to stay in UK for treatment for 01(one) month from the date of departure and to deposit his passport with the Chief Metropolitan Magistrate, Dhaka on the following day of return. The CMM shall retain the passport till the date of conclusion of the ^{case} in either way.

With the above terms the application is disposed of.

Sd/- S. Chandana - K. Sishya, C-7,
Sd/- S-M- Hossain, 7
Sd/- Hossain Forz Siddique, 7
Sd/- M-H- Haider, 7

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Superintendent 17.07.17
Appellate Division
Supreme Court of Bangladesh

17-01-17

The 09th January/2017
Anwar Hossain, A.B.O

17/1/17

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