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

Writ Petition No. 1566 OF 2023

with

Writ Petition No. 1567 OF 2023

Writ Petition No. 1568 OF 2023

Writ Petition No. 1569 OF 2023

Writ Petition No. 1570 OF 2023

Writ Petition No. 1571 OF 2023

Writ Petition No. 1572 OF 2023

Writ Petition No. 1573 OF 2023

IN THE MATTER OF:

An application under Article 102 of the
Constitution of the People's Republic of
Bangladesh

AND

IN THE MATTER OF

Md. Sagor Hossain

..... Petitioner

(In Writ Petition No.1566 of 2023)

Md. Tajul Islam Tipu

..... Petitioner

(In Writ Petition No.1567 of 2023)

Md. Raseel

..... Petitioner

(In Writ Petition No.1568 of 2023)

Mohammad Ruhul Amin Khan

..... Petitioner

(In Writ Petition No.1569 of 2023)

Md. Meraj

..... Petitioner

(In Writ Petition No.1570 of 2023)

Md. Elias Mamun Miazzi

..... Petitioner

(In Writ Petition No.1571 of 2023)

Md. Tofazzel Hossain

..... Petitioner

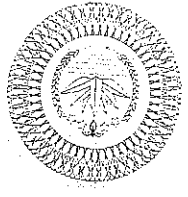
(In Writ Petition No.1572 of 2023)

Md. Kamal Uddin

..... Petitioner

(In Writ Petition No.1573 of 2023)

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-VERSUS-

The Government of the People's Republic of Bangladesh and others

.....Respondents
Mr. Fahad Mahmood Khan, Advocate

.....For all the Petitioners
Mr. Khan Mohammad Shameem Aziz. Adv.

.....For the respondent No.3
Mr. M. Shakhawat Hossain with
Ms. Friha Zaman, Advocates

.....For the respondent No.6
Ms. Raziah Sultana, Advocate

.....For the respondent No.8
Mr. Pratikar Chakma, DAG with
Mr. Humayun Kabir,

Ms. Farzana Rahman Shampa,

Ms. Shahla Sharafat Nazad (Shumi), and

Ms. Afroza Nazneen Akther, AAGs

... For the State

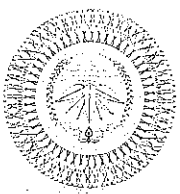
The 18th May, 2023

Present:
Justice Muhammad Khurshid Alam Sarkar

In Writ Petition No. 1566 of 2023, the Rule was issued on 12.02.2023 in the following manner;

“Let a Rule be issued calling upon the respondents to show cause as to why Memo No. ৩৯. বি. ৩৮/ ব: বাসিজ/ রজনি/ ২৩৪/২০ dated 24.01.2023 issued under the signature of the respondent No.6 directing the petitioner to refund the cash incentive Tk.9,27,100/- (Taka nine lac twenty seven thousand one hundred) only within 3 (three) working days in connection to EXP No. 0336- 005997-2021 dated 10.11.2021 (Annexure-H) as per direction

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contained in memo No. FEPD (en) 291 (25)/2023-24 dated 08.01.2023 issued by the respondent No.4 should not be declared to have been done without lawful authority and is of no legal effect and/or pass such other or further order or orders as to this Court may seem fit and proper.

Pending hearing of the Rule, let the operation of the Memo No. প্র. বি. প্র/ বি: বাসিজ/ রূপনি/ ৯৩৪/২০ dated 24.01.2023 issued under the signature of the respondent No.6 directing the petitioner to refund the cash incentive Tk.9,27,100/- (Taka nine lac twenty seven thousand one hundred) only within 3 (three) working days in connection to EXP No. 0336-005997-2021 dated 10.11.2021 (Annexure-H) be stayed for a period of 10 (ten) days.”

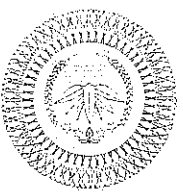
Similar orders were passed in all other writ petitions as the facts of all the petitions being similar.

Today, all the writ petitions are heard together and disposed of by a single judgment as there involve common questions fact and law.

As per verbal direction of this Court as to provide information as to whether the goods under Bills Export Nos. C- 1827515 dated 14.01.2021, C- 2100722 & C- 2100723 both dated 26.12.2021, C- 2100719 dated 26.12.2021, C- 471335 dated 08.03.2022, C- 279267 dated 08.02.2022, C- 1827519 dated



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14.11.2021, C- 2099844 dated 26.12.2022, C- 2028779 dated 14.12.2021, C- 1910435, C- 1910436, C- 1910437 & , C- 1910438 all dated 27.11.2021 were exported or not. In response to that quarry, today, by filing an affidavit dated 11.05.2023, Ms. Shahla Sharafat Nazad (Shumi), the learned Assistant Attorney General informs this Court that the Customs authority categorically informed vide Memo No. ৩৮/স্বস্বা-১/সিবিএ/২০২০-২১/২৫৬৯৫(১) কাপ dated 04.04.2023 that no goods were exported through said Bill of Export.

From the aforesaid statements it appears to this Court that a gigantic fraud has been committed by the petitioners by taking the cash incentive from the Sonali Bank Limited without exporting any goods.

Further, from the annexure-G-1, which is a certificate issued by the Chartered Accountant Firm, namely, ANCABIN stating that foreign proceed have been received by the Sonali Bank Limited but from the aforesaid affidavit dated 11.05.2023 furnished by the Customs Authority, it appears to this Court no money has been received by the Sonali Bank Limited.

To this end, Mr. Fahad Mahmood Khan, the learned Advocate for all the petitioners appearing before this Court, submits that he has instructions from his clients not to proceed with



these Rules and, accordingly, he prays for discharging the Rules for non-prosecution.

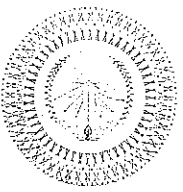
After perusing the affidavits filed by the learned Assistant Attorney General on behalf of the Custom Authority and by Mr. Khan Mohammad Shameem Aziz, the learned Advocate for respondent No.3-the Bangladesh Bank, hearing the learned Advocates for all the sides, it appears to this Court that a gigantic fraud has been committed by the petitioners with the aid of the concerned officials of the Chartered Accountant Firm, namely, ACNABIN, the Sonali Bank Limited, Bangladesh Bank Limited and Customs Authority in diversing huge amount of money from the Bank in the name of cash incentive against false export sale proceeds in violation of the laws of the land. Therefore, there must be an investigation to be carried out by the concerned authority i.e. Anti Corruption Commission (ACC).

Given the scenario, this Court finds it proper to discharge these Rule along with a direction upon the Anti Corruption Commission to do effective investigations against the persons who were involved with these fraud activities.

Accordingly, Anti Corruption Commission is directed to investigate against all the aforesaid petitioners and, also, against the concerned officers of the Sonali Bank Limited, Bangladesh Bank Limited, Customs Authority as well as against the the Chartered



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Accountant Firm, namely, ACNABIN to dig-out the quantum of their involvement in doing such fraud.

The Anti Corruption Commission is directed to file an affidavit on or before 18.07.2023 stating the outcome of the investigation. It may contact directly with the learned Assistant Attorney General, Mr. Md. Humayun Kabir (01711- 445 340), who is deputed in this Bench to represent the affairs of the Government, if he needs any sort of query regarding this matter.

Further, Mr. Md. Humayun Kabir, learned Assistant Attorney General is directed collect a copy of this Order from the Bench Officer of this Court and communicate the same to the ACC, so that he can assist this Court towards expeditious disposal of the matter.

In the result, all the Rules are discharged with the above observations and directions.

Let the matters appear in the daily cause list on 18.07.2023 to see the compliance and for necessary order.

Communicate this order at once

Sardar Md. Rashed Jahangir, J:

M.K.A. Sarkar.

I agree.

S. Rashed Jahangir.

প্রোগ্রামিত অধিকার প্রতিলিপি

Typed by: Altaf: 31.05.2023.

Read by: *By: 31.05.23*

Exam. by: *31.05.23*

Readied by: *31.05.23*

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কর্তৃপক্ষ
প্রোগ্রামিত অধিকার

31-5-23
Md. Abul Waseh
Superintendent

31-5-23
আইসিআর জুডিশিয়াল কোর্ট, হাইকোর্ট বিচার
১৯৭১ ইং সালে ১৮ জুলাই
৩৬ ধারাবাহক অফিস (৩৬)