

[District-Sunamgonj]
Tender No.71079

In the Supreme Court of Bangladesh
High Court Division
(Criminal Miscellaneous Jurisdiction)

Criminal Miscellaneous Case No. of 2024

In the matter of:

An application under section 526 of the Code of
Criminal Procedure.

-And-

In the matter of:

Md. Humayun Kabir

.... Accused-Petitioner

-Versus-

The State and another

....Opposite parties

Mr. Manik Lal Ghosh, Advocate

.... For the accused-petitioner.

Mr. Sujit Chatterjee, D.A.G. with

Mr. Noor Us Sadik Chowdhury, D.A.G.

Mr. Moududa Begum, A.A.G.

Mr. Mirza Md. Soyeb Muhit, A.A.G.

Mr. Mohammad Selim, A.A.G.

Mr. Zahid Ahmed (Hero), AAG

....For the State

Present:

Mr. Justice S M Kuddus Zaman

And

Mr. Justice A.K.M. Rabiul Hassan

The 13th May, 2024

This application under Section 526 of the Code of
Criminal Procedure at the instance of the sole accused Md.

Humayun Kabir of Session Case No.572 of 2021 arising out of C.R. Case No.174 of 2020 under Section 138(1) of the Negotiable Instruments Act, 1881, now pending for trial in the Court of learned Joint Sessions Judge, 2nd Court, Sunamgonj for transfer of above case to any other competent Court outside the district of Sunamgonj.

Mr. Manik Lal Gosh, learned Advocate for the petitioner submits that the petitioner is an inhabitant of Dhaka and the impugned cheque was allegedly issued from Dhaka but the complainant opposite party who is an inhabitant of Sunamgonj has intentionally filed above case to above Court in Sunamgonj. It is highly inconvenient and insecure for the accused petitioner to appear in above Court in Sunamgonj and make appropriate defence. The learned advocate further submits that if above case is transferred to any other competent Court outside the district of Sunamgonj the ends of justice will be met.

Mr. Sujit Chatterjee, learned Deputy Attorney General for the State frankly concedes that if the case is transferred to a competent Court in Sylhet that would ensure convenience of both the parties and minimize delay and expenses.

It transpires from the record that the petitioner is a permanent resident of Sutrapur of Dhaka and the complainant is an inhabitant of Tahirpur of Sunamgonj District. Above case under Section 138 has been filed by the complainant in a Court in Sunamgonj.

On consideration of above materials on record and the submissions of the learned Deputy Attorney General we are of the view that the delay and expenses will be ensure convenience and security of both the parties above case is transferred to the 1st Court of Joint Session Judge, Sylhet for expeditious trial.

Accordingly, we are transferring Session Case No.572 of 2021 arising out of C.R. Case No.174 of 2020 from the 2nd Court of Joint Session Judge, Sunamgonj to the 2nd Court of Joint Session Judge, Sylhet.

With above direction this application under Section 526 of the Code of Criminal Procedure is disposed of.

Communicate this order to the court concerned at once.

MD. MASUDUR RAHMAN
BENCH OFFICER