

VOLUME XIV

1994

# BANGLADESH LEGAL DECISIONS

## APPELLATE DIVISION CASES REPORTED

### CIVIL JURISDICTION

Abdul Aziz Vs. Md. Abdul Majid	— 147
Abdul Motaleb and others Vs. Shahed Ali and others	— 141
Akhasur Rahman and others Vs. Safarullah and others	— 20
Amena Khatun Vs. Abdul Motaleb and others	— 68
Amena Khatun and others Vs. Hajee Abdul Jabbar being dead his heirs	
Mst. Maleka Banu and others	— 267
Ansaruddin Ahmed and others Vs. Senior Assistant Judge and Election	
Tribunal, Barguna and others	— 77
Babar Ali Pramanik and others Vs. Mesar Ali Pramanik and others	— 235
Babul Kanti Das and others Vs. Abul Hashem and others	— 242
Badal Kanti Barua and others Vs. Must. Jigarunnessa	— 203
Bangladesh Vs. Md. Lokman Patwari and another	— 155
Bangladesh Vs. Luxmi Bibi and others	— 165
Bangladesh Bank and others Vs. Mohammad Abdul Mannan	— 117
Bangladesh Paper Mills Ltd. Vs. Chairman, Third Labour Court and another	— 97
Basarat Howlader, Secretary, Gutapara Matshyajibi Samabaya Samity Ltd.	
Vs. Kuramara Matshyajibi Samabaya Samity Ltd. and others	— 1
Bangladesh and ors. Vs. M/s. Commercial Trust of Bangladesh Ltd. and ors.	— 72
Bangladesh Parjatan Corporation and others Vs. Mr. Mofizur Rahman and another	— 61
Chittagong Chemical Complex Vs. The Chairman, Labour Court and another	— 67
Chittagong Urea Fertilizer Ltd. Vs. The Chairman, Labour Court, Chittagong & anr.	— 153
Din Mohammad Vs. Government of Bangladesh and others	— 142
Eastern Insurance Co. Ltd. Vs. D.B. Deniz Nakliyati T.A.B. and others	— 38
Farid Miah Vs. Kutubuddin being dead his heirs Sharu Begum and others	— 26
Fazaruddin Vs. Maijuddin and others	— 29
Government of Bangladesh, represented by the Secretary,	
Ministry of Works and others Vs. M/s. Eastern Industries (B.D.) Ltd.	— 254
Government of Bangladesh Vs. Sheikh Md. Ali Asgar and others	— 219
Dr. Halida Hanum Akhter Vs. Dr. Firdosi Khanam	— 195
Government of the People's Republic of Bangladesh and another	
Vs. Md. Abdul Gafur Pramanik and others	— 234
Justice Abdul Bari Sarker Vs. Bangladesh and others	— 55
Kadam Rosul Silicate Works and others Vs. Sonali Bank	— 239
Khondaker Mahtabuddin Ahmed, Managing Director Vs. M/S. Matin Tea and	
Trading Company	— 58
Md. Hafizuddin Mondal & ors. Vs. Sree Dharendara Nath Singh &ors.	— 132
Md. Ishaque and others Vs. The Government of Bangladesh	— 39
Md. Jafar Ali Vs. Hushiar Ali and others	— 4
Md. Julhash Mollah and another Vs. Ramani Kanta Malo and another	— 263
Md. Moqbul Hossain Vs. Shamsul Alam and others	— 232
Md. Nurul Huq— IV Vs. Governor, Bangladesh Bank, Head Office, Dhaka and others	— 5
Md. Nurul Islam & anr. Vs. The Secretary, Ministry of Law & Justice & others	— 48

Md. Shamsul Hoque Bhuiyan Vs. The Institution of Engineers, Bangladesh and others	— 1
Md. Zahirul Islam and another Vs. National Bank Limited and others	— 1
Md. Zahirul Islam Vs. National Bank Limited and others	— 1
Mohammad Ali Vs. Government of the People' Republic of Bangladesh, represented by the secretary, Ministry of Home Affairs and another	— 22
Nani Gopal Barman Vs. Bangladesh and others	— 5
Nawab Ali Dhaka and others Vs. Abdur Rahman and others	— 22
Pagla Truck Drivers Co-Operative Society and others Vs. Kazi Moslehuddin and others	— 19
Quazi Din Mohammad Vs. Al-haj Arzan Ali and another	— 21
Rear Admiral A.A. Mustafa Vs. Bangladesh, represented by the Secretary, Ministry of Defence, Old High Court Building, Dhaka	— 1
Rupali Bank Ltd. Vs. Tobacco Industries Ltd. and others	— 76
Sharafat Hossain being dead his heirs Md. Shah Jamal and others Vs. Dr. Islamuddin	— 13
Sonali Bank Vs. Ruhul Amin Khan	— 17
Sova Rani Guha alias Sova Rani Gupta Vs. Abdul Awal Mia and others	— 25
Sultana Jute Mills Ltd. and others Vs. Agrani Bank and others	— 19
Sumita Naha Vs. Most. Rokeya Khatun and others	— 209
Syed Mohammad Salem Azam and others Vs. The Secretary, Ministry of Works, Government of Bangladesh and others.	— 259
The Additional Deputy Commissioner (Revenue), Manikganj Vs. Md. Siddiqur Rahman and others	— 80
The Bangladesh Agricultural Development Corporation (BADC), represented by its Secretary Vs. M/S. Kibria and Associates Ltd.	— 99
Zila Board, Comilla Vs. Rabiya Khatun and others	— 81

## CRIMINAL JURISDICTION

Abdul Awal Vs. The State	— 224
Abdul Khaleque and others Vs. The State and another	— 131
Abdus Samad and others Vs. The State	— 241
Abdus Sattar and others Vs. The State	— 133
Afia Khatoon Vs. Mobashir Ali and others	— 251
Abul Basher Howlader Vs. The State and another	— 181
Badsha Mia and others Vs. Abdul Latif Majumder and others	— 23
Bellal and another Vs. The State	— 16
Bimal Das Vs. The State	— 211
Engineer Afsaruddin Ahmed Vs. The State	— 206
Haider Ali Khan Vs. The State	— 276
Hemayatuddin alias Auranga Vs. The State	— 9
Hussain Mohammad Ershad Vs. The State	— 161
Hussain Mohammad Ershad Vs. The State	— 178
Mahbub and others Vs. The State	— 184
Md. Arifur Rahman alias Bablu Vs. Shantosh Kumar Sadhu and anr.	— 78
Md. Ibrahim Hossain Vs. The State	— 253
Md. Reazuddin Sardar alias Md. Reazuddin and others Vs. The State	— 176
Md. Sher Ali and others Vs. The State and another	— 84
Md. Wahed Ali Dewan Vs. The State and another	— 32
Monir Ahmed Vs. Md. Mohan alias Fazle Elahi Mohan and others	— 246
Nasim Bin Rahman Vs. The State	— 216
Nurul Islam and others Vs. The State	— 69
Rafiqul Islam Vs. The State	— 248
S.A. Sultan Vs. The State and another	— 36
The State Vs. Abdul Muttaleb Khan	— 12
The State Vs. Ana Miah and another	— 143
The State Vs. Ashraf Ali and others	— 12
The State Vs. M.A. Malik	— 2

**BANGLADESH LEGAL DECISIONS**  
**HIGH COURT DIVISION**  
**CASES REPORTED**

**CIVIL JURISDICTION**

Abdul Aziz Bepari and others Vs. Government of Bangladesh and others	— 225
Abul Kashem Khan, Advocate Vs. Md. Mujibur Rahman Miah and another	— 69
Abdul Majid Vs. Akhil Chandra Sengupta and others	— 79
Abdul Mazid Vs. Abu Zaffor Mohammad Khalil and others	— 488
Abdul Motalib @ Motalib Vs. Yusuf Ali Munshi alias Isab Ali	— 533
Abdul Wahed Mia Vs. Saira Khatun	— 83
Abdus Samad Khan and others Vs. Md. Wazed Ali Fakir and others	— 375
Aminul Hoque Vs. Janata Bank and others	— 105
Anwar Hossain Vs. Abdul Gafur and others	— 260
A. Quayyum and another Vs. Uttara Bank Ltd.	— 17
Atiqullah Vs. Mosammat Rahela Bibi	— 360
Bangladesh Vs. Md. Mazibur Rahman	— 362
Chaina Arjuman Banu Vs. Rupali Bank Limited and others	— 321
Chittagong Urban Co-operative Society Limited, and others Vs. Subash Chandra Lala, Advocate, and others	— 342
Dewan Mohammad Safar Ali & others Vs. The People's Republic of Bangladesh	— 92
Dr. Ibrahim Hossain Vs. Mosammat Abeda Khatun and others	— 346
Dudu Miah and others Vs. Sikandar Ali and others	— 228
Govt. of Bangladesh, represented by the Chairman, Bangladesh Railway Board Vs. M/s. Commerce Bank Ltd. and others	— 233
Ibrahim Munshi and others Vs. Tamizuddin Bhuiyan	— 527
Iman Uddin Sheikh and others Vs. Deputy Commissioner (Rev.), Bagerhat	— 198
Kartick Chandra Das Vs. Md. Abul Hossain Bhuiyan and another.	— 585
Khondaker Badiuzzaman Vs. General Manager, Bangladesh Krishi Bank	— 151
Komaruddin and others Vs. Aftabuddin Ahmed and others	— 134
Krishna Pada Talukder @ Kajal Vs. Geetasree Talukder alias Baby	— 415
Makbulur Rahman and others Vs. Halima Textile Mills Ltd. Employees Provident Fund Trust, Comilla and others	— 429
Manjur Ahmed Chowdhury and another Vs. Gulbanu and others	— 1
Mathura Mohan Pandit Vs. Most. Hazera Khatun	— 546
Md. Abu Tayeb Mia Vs. Nakul Chandra Basak and others	— 306
Md. Abul Hossain and others Vs. Nirajan Mondal and others	— 442
Md. Afazuddin Mollah and others Vs. Mobarak Ali Munshi and others	— 242
Md. Ajmat Ali Vs. Jamaluddin and others	— 563
Md. Alim Hossain, Advocate Vs. The Chairman, Bangladesh Bar Council, Dhaka and another	— 329
Md. Ayub Vs. Sonali Bank and others	— 236
Md. Jashimuddin and another Vs. Mrs. Nurjahan Begum	— 528
Md. Mokbul Hossain Khondker Vs. Mosammat Jaheda Khatoon.	— 549
Md. Moslehuddin Vs. Aziza Begum and others	— 465
Md. Nazrul Islam Majumder Vs. Tahamina Akhtar alias Nahid and another	— 299

Md. Younus Miah Vs. Abida Sultana @ Chhanda	— 291
Messers MAC—Proprietor Mahtabuddin Chowdhury and another Vs. Agrani Bank	— 195
Most. Khodeza Begum Vs. Md. Illias Mia and others	— 388
M. S. Begum and Company Limited Vs. Rupali Bank and others	— 514
M/S. Golden Biscuit Co. Vs. Al-Haj Rafique Mia and another	— 294
M/S. Planters (Bangladesh ) Ltd. Vs. Md. Abdul Matin Khan and others	— 71
Munshi Kamal Hossain Vs. Shamsul Hoque	— 385
Narendra Nath Biswas Vs. Sunil Kumar Biswas	— 10
Nirmal Kanti Das Vs. Sreemati Biva Rani	— 413
Nurul Absar Vs. Mr. A.K.M. Mozammel Haque and another	— 64
Patan Khan and others Vs. Amud Ali Sheikh and others	— 461
Pronab Kumar Chakraborty and others Vs. The Govt. of the People's Republic of Bangladesh and others	— 2
Sajjad Hossain Vs. Abdus Sattar and others	— 595
Samarendra Nath Roy Chowdhury Vs. Abdul Jabbar and others	— 229
Santi Ranjan Baroi and another Vs. Sri Jogesh Baroi and others	— 121
Sarafat Hossain Vs. Dr. Islamuddin	— 253
Shah Alam and others Vs. Masuma Khatoon and others	— 142
Shadharan Bima Corporation Vs. Sanjib Kumar Das and another	— 109
Shamsul Islam and another Vs. Arman Ali and others	— 176
Sharif Ullah Patwary and others Vs. Jharna Dhara Chowdhury and another	— 257
Showkat Ara Begum Vs. Md. Wajuddin and others	— 61
Smriti Ranjan Das and another Vs. Bijon Behari Roy and another	— 573
Smt. Radha Rani Sadhukha Vs. Smt. Durga Rani Adhikari	— 487
Sonali Bank Vs. M.S. Ali Tenary and others	— 457
Sree Gouranga Bijay Dey and another Vs. Sree Sukumar Sen and others	— 425
Sreemoti Shova Rani Dhar Vs. Amulya Ranjan Dhar and others	— 512
Sultan Alam @ S.A. Badal Vs. Rupali Bank Ltd. and others	— 297

## CRIMINAL JURISDICTION

Abdul Awal and others Vs. The State	— 187
Abdul Haque Vs. The State	— 204
Abdul Karim Vs. Shamsul Alam and another	— 167
Abdul Latif alias Budu and others Vs. The State	— 94
Abdus Salam Vs. The State	— 99
Abul Kalam Azad Vs. The State	— 401
Abul Kashem and others Vs. Sanjida Begum and another	— 383
Ajit Kumar Pramanik & others Vs. Bakul Rani Pramanik and others	— 335
A.K.M. Enamul Haque Vs. Md. Mizanur Rahman and others	— 201
Ataur Rahman and others Vs. The State	— 391
Azizul Haque Howlader Vs. The State and another	— 149
Bachhu alias Ekramul Haque and others Vs. The State	— 588
Bachhu Miah Vs. The State	— 500
Baktiar Hossain Vs. The State	— 381
Dilbar Khan and others Vs. The State	— 337

Dr. Atikur Rahman Vs. The State	— 303
Driver Md. Hasan Ali Howlader Vs. The State	— 80
Dula Mia alias nurul Islam and others Vs. the State	— 477
Engineer Afsaruddin Ahmed Vs. The State	— 445
Golam Mostafa and others Vs. The State	— 581
Golam Mostafa (Bara) Vs. The State	— 317
Hafiz alias Hafizul Islam and another Vs. The State	— 328
Haji Md. Jamaluddin and others Vs. The State	— 33
Kabil Miah and others Vs. The State	— 432
Kashem alias Md. Abul Kashem Vs. The State	— 517
Khandkar Md. Moniruzzaman Vs. The State	— 308
Kazimuddin and others Vs. Manjur Bepari and others	— 172
Mafizuddin and others Vs. Alauddin and another	— 45
Makhan alias Putu Vs. The State	— 122
Mallick Tarikul Islam Vs. The Secretary, Ministry of Home Affairs and others	— 156
Manjurul Hoque alias Monju Vs. The State	— 604
Md. Ali Hossain Vs. The State	— 102
Md. Ayub Ali and others Vs. The State	— 501
Md. Iftekhar Hasan Choudhury alias Riaz Vs. The State	— 351
Md. Jamsed Ahmed Vs. The State	— 301
Md. Mainuddin Howlader Vs. The State	— 82
Md. Mokhlesur Rahman and another Vs. The State	— 126
Md. Mostafizur Rahman Vs. The State	— 471
Md. Rafiqul Islam Vs. The State	— 409
Md. Shafi Vs. The State	— 322
Md. Shahidullah and others Vs. The State	— 520
Md. Zakir Hossain @ Jakir Hossain and others Vs. The State	— 509
Md. Zakir Hossain Vs. The State	— 542
Meher negar Vs. Md. Mojibur Rahman	— 467
Mosammat Amena Khatun Vs. The State	— 332
Motaleb and others Vs. The State	— 286
Mrs. Samirannessa Vs. Govt. of Bangladesh and others	— 206
Mubashwir Ali and others Vs. The State	— 566
Nurul and others Vs. The State	— 221
Nurul Haque Matbar and others Vs. The State	— 178
Siddique Ali and others Vs. The State	— 138
The Solicitor, Government of Bangladesh Vs. Feroz Mahmud and another	— 160
The State Vs. Deputy Commissioner, Satkhira and others	— 266
Zafar and others Vs. The State	— 280

## SPECIAL ORIGINAL JURISDICTION (WRIT)

Abdus Salam, Managing Director S.P.& F.I.C.; District Sunamganj Vs. Additional Deputy Commissioer (Revenue), Sunamganj and others.	— 598
Alhaj Md. Saidur Rahman Vs. Secretary, Ministry of Local Government and Rural Development and others	— 275

Babu Ashok Kumar Baral Vs. Government of Bangladesh and others	— 363
Bangladesh Environmental Lawyers Association Vs. The Election Commission and others	— 211
Bangladesh Leaf Tobacco Company Limited Vs. Bangladesh and others	— 66
Dewan Abdul Kader alias Mustafa Kamal and others Vs. Government of Bangladesh, represented by the Secretary, Ministry of Law and Parliamentary Affairs and others	— 418
Ganga Narayan Roy Vs. Secretary, Ministry of Home Affairs and others	— 215
Khondker Mahtabuddin Ahmed Vs. Bangladesh Bank and others	— 365
Md. Sadeque Ali Vs. Judge, Senior Special Tribunal, Thakurgaon & ors.	— 369
Mr. Yar Ahmed Vs. Dhaka Water Supply and Sewerage Authority & anr.	— 504
Mrs. Nurjahan Begum Vs. Bangladesh and others.	— 558
Nasiruddin Ahmed Vs. Government of Bangladesh and another	— 339
Redwan Ahmed Vs. Election Tribunal, District Judge, Comilla and others	— 81
Shah Ekramur Rahman Vs. Secretary, Ministry of Land, Dhaka and others	— 531
Shahidullah Mondal and others Vs. Government of Bangladesh and others	— 23
Shah Mohammad Zahirul Hoque Vs. Government of Bangladesh	— 490
Syed Rahmatur Rub Irtiza Ahsan Vs. The Government of the People's Republic of Bangladesh	— 389

## **CIVIL APPELLATE JURISDICTION**

Aramit Limited Vs. A.N.Z. Grindlays Bank plc and another (Company Appeal)	— 502
---	-------

## **SPECIAL STATUTORY JURISDICTION**

The Commissioner of Taxes, Rajshahi Zone, Rajshahi Vs. Mr. Md. Abul Motaleb Miah	— 601
--	-------