

- 11 -

IN THE SUPREME COURT OF BANGLADESH  
(APPELLATE DIVISION)

PRESENT:

Mr. Justice Mohammad Fazlul Karim, Chief Justice.  
Mr. Justice Md. Abdul Matin.  
Mr. Justice Shah Abu Nayeem Mominur Rahman.  
Mr. Justice A.B.M. Khairul Haque.  
Mr. Justice Md. Muzammel Hossain.  
Mr. Justice Surendra Kumar Sinha.

CONTEMPT PETITION NO. 05 OF 2010.

Md. Riaz Uddin Khan, Advocate and :  
another. :

.....Petitioners.

-Versus-

Mahmudur Rahman and others. :

.....Respondents.

For the Petitioners. :

: Mr. M. K. Rahman, Senior Advocate,  
instructed by Mrs. Sufia Khatun, Advocate-  
on-Record.

For the State. :

: Mr. Mahbubey Alam, Attorney General.

For Respondent No.1. :

: Mahmudur Rahman, (in person).

For Respondent Nos.2, 3 and 5. :

: Mr. Rafique-ul Huq, Senior Advocate (with  
Mr. Abdur Razzak, Senior Advocate)  
instructed by Syed Mahbubur Rahman,  
Advocate-on-Record.

For Respondent No.4. :

: Mr. Moudud Ahmed, Senior Advocate  
instructed by Mr. Taufiq Hossain, Advocate-  
on-Record.

Date of Hearing

: The 19<sup>th</sup> day of August, 2010.

(ORDER)

This is an application under Article 108 of the Constitution of the People's Republic of Bangladesh for drawing up contempt proceedings against the respondent-contemnors.

The contempt petition is allowed.

The reasons to be recorded later on, our short order runs as under;

(a) The contemnor Respondent No.1, Mahmudur Rahman, is found guilty of gross contempt of this Court and is sentenced to suffer simple imprisonment for six months and to pay a fine of TK.1,00,000.00 (one lac), in default to suffer simple imprisonment for 1(one) month more.

(b) Respondent No.4, Waliullah Noman, is found guilty of contempt of this Court and is sentenced to suffer simple imprisonment for 1(one) month and to pay fine

**ATTESTED**

*Isliaque*  
Superintendent  
Appellate Division  
Supreme Court of Bangladesh  
*SMH*

of TK.10,000.00 (ten thousand), in default to suffer simple imprisonment for 7(seven) days more.

These contemnor Nos.1 and 4 are directed to surrender before the Central Jail, Dhaka to serve out the sentence and the Superintendent of Central Jail is directed to receive and keep them in jail to serve out their respective sentences.

(c) Respondent No.5, Alhaj Md. Hashmat Ali, is found guilty of contempt of this Court and is sentenced to pay fine of TK.10,000.00(ten thousand), in default to suffer simple imprisonment for 7(seven) days.

(d) The unqualified apology of the Respondent Nos.2 and 3 are accepted and accordingly they are let off.

(e) The respondents Nos.1, 4 and 5 are directed to deposit the respective fine to the Accounts Section of this Court which shall receive the same if deposited within time.

The aforesaid conviction is unanimous but the sentence in respect of respondent Nos.1 and 4 by majority of 5:1.

Sol: M. Faridul Karim C.J.

Sol: M. A. Reza J.

Sol: S.A.N. Mo Rahman J.

Sol: A.B.M. Amirul Haque J.

Sol: M. M. Hossain

Sol: Surendra K. Bishy J.

CERTIFIED TO BE A TRUE COPY

*D. S. Islam*  
Superintendent 19.8.10 J.  
Appellate Division  
Supreme Court of Bangladesh  
*Shahi*