

Avgj thvM" (cognizable cases) gvgj v`vtqti i mv#_ mv#_
 cjj k KZR Awfhy³ e"v³tk tMBvi ev nqiwb tivaKtí cQvRbxq
 weavb cYqb cñt½ mi Kvti i 18 Gwcj , 2007 Lpã tgvZvteK 5
 ^ekvL, 1414 e½vã Zwi tLi tj t c 201/07 bs cti i cwi tci tZ
 c 2KZ Ppvš-cZte`b |

mi Kvti i weMZ 5 ^ekvL, 1414 e½vã, tgvZvteK 18 Gwcj , 2007 Bs Zwi tLi
 tj t c 201/07 bs ^yi K tgvZvteK tdSR`vix Kvheia Abhvqx Avgj thvM" gvgj vq
 (cognizable case) gvgj v`vtqti i mv#_ mv#_B cjj k KZR Awfhy³ e"v³tk AtnZK
 tMBvi ev nqiwb tivaKtí cQvRbxq weavb cYqb cñstM mi Kvi AvBb Kwgk#bi mycwik
 c 0vtbi Rb" Abti va Kwi qvtQb |

Dcti ewYZ wettqi tci vctU Avgv`i mycwik c 0vtbi cQvRtb tdSR`vix
 Kvheiai msik6 weavvej x Ab`vb" AvBbi weavvej x mnKvti AZtci we`wi Zfvte
 Avtj vPbv Kiv nBj |

Avgv`i t`tk `Uweia AvBb, tdSR`vix Kvheia AvBb, mv" AvBb I Ab`vb" wKQy
 AvBb (other laws)- Gi wfiE tZ Criminal Justice System cZwZ nBqv tQ |
 mgvtR msNuUZ Acivamgn tivaKtí Ges kwšksLjv eRvq ivLvi j t" meEg 1860
 mv t j `Uweia AvBb (1860 mv t j i 45 bs AvBb) bvtg GKw AvBb cYqb Kiv nq | GB
 `Uweia AvBb mgvtR msNUbthvM" mKj cKvi Acivtai we`wi Z msAv t`l qv AvtQ Ges
 msÁwqZ cZ`K Acivtai mtePP kw`-(gz`U chS) wbaY (prescribed) Kwi qv
 t`l qv nBqv tQ | msNuUZ Acivtai Rb" Acivtai gv t v I "Zi Abymvti GKw wePvi c qv
 gva`tg AcivaxtK kw`-c 0vb Kiv nBqv _vtK | tKvb&c qv AbymY Kwi qv Acivtai Z`š-
 Kvhpj te, Z`šewj tki qgZv, `wqZi I KZE" Ges Av`vj tZ wePvi KvhwPvj bv Kivi
 cxwZ wbaY Kwi qv 1898 mv t j tdSR`vix Kvheia AvBb (1898 mv t j i 5 bs AvBb) bvtg
 GKw cY% c xwZMZ AvBb cZB Kiv nq | GB AvBb ewYZ cxwZ I mv" AvBbi msik6
 weavbmgn cvj b Kwi qv `Uweia AvBbi Avl Zvf³ Ges t q t g t Z Ab`vb" AvBb (other
 laws)- Gi Avl Zvf³ Acivamgni Z`št wePvi KvhwPvj Kiv nq |

tdSR`vix Kvheia AvBb AcivaxtK `bfvM wef³ Kiv nBqv tQ | GKw nBj
 Avgj thvM" Aciva (cognizable offence) Ges Aciw nBj Avgj -AthvM" Aciva

(non-cognizable offence)| Avgj thvM" Aciva Ges Avgj thvM" gvgj vq
(cognizable offence and cognizable case) gvgj v `vtqti i mv_ mv_ B
Awfhy³ tK tMBwi ctivqvbv Qov tMBvi Kivi qgZv I G m³uK² w³l qmg³ nBj Avgvt i
weteP" w³l q|

tdSR`vix Kvhewai 4 (1) (P) avivq 0Avgj thvM" Aciva0 I 0Avgj thvM" gvgj v0
msAwqZ Kiv nBqv³Q hnv³ w³te D³tj L-Kiv nBj t-

04 (1) (P)t 0Avgj thvM" Aciva0 I 0Avgj thvM" gvgj v0 (cognizable offence
and cognizable case)- Gi A_³ tMB Aciva I tMB gvgj v, hnv³ Rb" ev hnv³ Z GB
AvB³bi wZxq Zdw³tj A_ev eZ³vtb ej er Ab" th tKvb AvBb Ab³nv³ti tKvb c³ij k KgRZ³P
webv ctivqvbvq tMBvi Kwi tZ cv³ti b0|

GLvtb D³tj L-Kiv c³qvRb th, evsjv³ k `Uwewa AvB³bi 511w avivi gta" 217w
avivB tdSR`vix Kvhewai AvB³bi wZxq Zdw³tj Avgj thvM" Aciva wnv³te wba³Y Kwi qv
t` I qv nBqv³Q, A_³ tMBwi ctivqvbv Qov Aciv³atK tMBvi Kivi qgZv c³ij k KgRZ³P
t` I qv nBqv³Q| Ab"vb" AvBb (other laws)- Gi AvI Zvf³ Aciva m³u³tK³tdSR`vix
Kvhewai wZxq Zdw³tj i tk³ti Astk 0Offences Against Other Laws' w³ktivbtg
ewY³ Av³Q th, th mKj Aciv³tai kw³-gZi`U, hve³4xeb Kviv`U A_ev cu³P erm³ti i Aw³K
Ges tKvb tKvb t³q³t³ kw³-`B erm³ti i Kg b³tn Ges cu³P erm³ti i tek³ b³tn, tMBme t³q³t³
ctivqvbv Qov tMBvi Kiv hvB³te|

tdSR`vix KvhewatZ c³ij k KgRZ³P Avgj thvM" Aciva msNU³bi t³q³t³ ctivqvbv
QovB tKvb e³w³ tK tMBvi Kwi evi qgZv t` I qv nBqv³Q| GB AvB³bi cAg Aa³vtqi 0B"
Astk webv ctivqvbvq tMBvi (arrest without warrant) m³u³K² weavbm³g³ 54-66
avivq eY³ Kiv nBqv³Q| GLvtb 54 aviw³ w³tkl f³te D³tj L-thvM" | weavbw³ w³te D³xZ Kiv
nBj t-

054 (1)- th tKvb c³ij k KgRZ³P g³w³R³ot³Ui Av³t`k A_ev ctivqvbv e³ZxZ
wb³ej wLZ e³w³MY³tK tMBvi Kwi tZ cw³i teb -

c0gZt, tKvb Avgj thvM" Aciv³tai m³nz RwoZ tKvb e³w³ A_ev GBifc RwoZ
ewj qv hnv³ w³it³ h³msMZ Awf³thvM Kiv nBqv³Q A_ev w³ek³thvM" Lei cv³l qv w³Mqv³Q
A_ev h³msMZ m³t³ n i³nvq³Q| -----

-----|0

GB avivq tgvU bq cKvi cwiw`wZi tjvKtK tMBvi Kivi weavb Kiv nBqvTQ| cQg cwiw`wZUB Avgv`i AvtjvPbv I wefePbvi melq| KvtrB evmK AvU cKvi cwiw`wZ GLvfb AvI Dtj L-Kiv tMj bv|

Dctiv³ 54 (1) aviv nBtZ t`Lv hvBte th tKvb Avgj thvM` Acivtai mwnZ RwoZ tKvb e`w³ ev RwoZ ewj qv hnvvi wei`tx hy³msMZ AwfthvM Kiv nBhvTQ ev wekymthvM` Lei cvl qv wMqvTQ ev hy³msMZ m`n iwnqvTQ ZvnvTK th tKvb cjj k KgRZP ctivqvbn Qovov tMBvi Kwi tZ cvtib| Bnv Qovov 59 (1) aviv tgvZvteK tKvb tKvb tTt` mvaviY bvmwi KI Zvnvi `woi gta` Rmgb-AthvM` I Avgj thvM` Aciva msNUbKvixTK tMBvi Kwi qv cjj tk tmc`Kwi tZ cvtib| BnvTK ejv nq bvmwi tKi tMBvi ev citizen's arrest| g`wRtótUi m`stL Aciva msNUZ nBtj wZvbi tMBvi Kwi tZ cvtib (aviv 64)| Avgv`i t`tk Avgj thvM` Aciva h_v binZ`v, Pui, WvKwZ, AcniY, alP, bvix-cvPvi BZ`w` ai tYi Aciva msNUtbi AwfthvM cvl qvi ci msuké_vbvi cjj k m`t½ m`t½ NUbv`tj Mgb Kwi qv ewYZ AvBb tgvZvteK AvmvgxTK tMBvi Kwi qv AwfthvTmi Z`Šti` Ktib|

0Avgj thvM` Acivtai tTt` tdSR`vix Kvheva 54 aviv tgvZvteK tMBvi ctivqvbn QovovB cjj k GBifc Acivtai mv` RwoZ e`w³TK tMBvi Kwi tZ cvti0 (Abdur Rahman vs. The State, 29 DLR (SC) 258)| “An arrest is a part of investigation and cannot be stayed” (Meenakshi Agarwal vs. State of U.P., 2001 Cr. LJ 395 (398))”.

cKceDWtZ cvti th evsjv`k msweavtbi 32 Abt`Q` Abjnvti cQZ`K bvmwi tKi Rxeb I e`w³ `vaxbZvi Avakvi iwnqvTQ ewj qv tKvb bvmwi KtK cjj k Gfvte tMBvi Kwi tZ cvti wKbv| msweavtbi 32 Abt`Q` ejv nBqvTQ, 0AvBbvthvqx e`ZxZ Rxeb I e`w³ `vaxbZv nBtZ tKvb e`w³TK ewAZ Kiv hvBte bv|0 GB weavb nBtZ cQxqgvb nq th i agv` hy³msMZ AvBtbi gva`tgB tKvb e`w³TK Rxeb I e`w³ `vaxbZv nBtZ ewAZ Kiv hvBtZ cvti| gvngy`j Bmj vtgi i wPZ “Constitutional Law of Bangladesh” bvgK cy`TK ejv nBqvTQ th 0Rxeb I e`w³ `vaxbZv nBtZ ewAZKiY msµvškw`+ weavb m`tj Z tKvb `Uveva AvBb Aek`B ev`eZvi wbi tL hy³msMZ nBtZ nBte Ges Av`vj Z Bnvi thŠw³KZv m`tÜ cixTlv-wbixTlv Kwi qv t`wL tZ cwi tēb|0 (cQvt 193-195, wQZxq ms`xiY)| Kvheva AvBtbi 54 (1) aviv wU hy³msMZ bv, GB gtg`evsjv`k, fvi Z, cwiK`wb I Ab`vb` Kgb j 0 fš t`tki D`P Av`vj Z tKvb wmxvŠ` qvtQb ewj qv Kvgktbi bRti Avtm bvb|

kmbZš ewYŁ tgšj K AaKvi ųj tZ KrvtKI tM̄vi nBtZ Ae'vnmZ w`qv tKvb
tgšj K AaKvi m̄bteKZ nq bvB| 33 Abt'Qt` tM̄vi I AvUK m̄útkKQy iųvKeP
t` I qv nBqvQ gvĀ |

ms̄eavtbi 33 Abt'Qt` i 1 `dvq ejv nBqvQ th tM̄vi KZ tKvb e'w³tK h_vm̄e
kxN̄tM̄viti i KviY Ávcb bv Kviqv c̄hivq AvUK (detained in custody) i vLv hvBte bv
Ges D³ e'w³tK Zvni gt̄vbxZ AvBbR̄xexi m̄mZ civgtkP I Zvni ōviv AvZcų
mg_ųbi AaKvi nBtZ ewĀZ Kiv hvBte bv| 33 Abt'Qt` i 2 `dvq ejv nBqvQ th,
tM̄vi KZ I c̄hivq AvUK c̄Z`K e'w³tK w̄bKUZg g'w̄Rt̄t̄Ui m̄ųL tM̄viti i Pw̄Yk N̄Uvi
ḡta" (tM̄viti i `vb nBtZ g'w̄Rt̄t̄Ui Av`vj tZ Avbqt̄bi Rb" c̄ųvRbxq mgq e'w̄Zt̄t̄K)
n̄w̄Ri Kiv nBte Ges g'w̄Rt̄t̄Ui Avt`k e'ZxZ Zvnt̄K Z`w̄Zwi³Kvj c̄hivq AvUK i vLv
hvBte bv| Kv̄RB ms̄eavtbi 33 (1) I 33 (2) Abt'Qt` i w̄eavb tgvZ̄teK- (1) tM̄vi KZ
e'w³tK h_vm̄e kxN̄tM̄viti i KviY R̄vbn̄tZ nBte, (2) Zvnt̄K w̄bR`^gt̄vbxZ AvBbR̄xexi
civgkM̄t̄Yi Ges AvBbR̄xexi ōviv Avcų mg_ųbi AaKvi nBtZ ewĀZ Kiv hvBte bv,
(3) Zvnt̄K tM̄viti i Pw̄Yk N̄Uvi ḡta" (Av`vj tZ hvĀvi mgq e'w̄Zt̄t̄K) w̄bKUZg
g'w̄Rt̄t̄Ui m̄ųL n̄w̄Ri Kwi tZ nBte Ges (4) g'w̄Rt̄t̄Ui Avt`k e'w̄Zt̄t̄K Zvnt̄K Pw̄Yk
N̄Uvi tekx mgq AvUK i vLv hvBte bv| D³ Pviw̄ AaKvi B tM̄vi KZ e'w³i m̄s̄eavwbK
AaKvi | GB m̄s̄eavwbK AaKvi ųj tM̄viti i c̄tiB t̄Kej D̄m̄Z nq| 33 (1) Abt'Qt`
ōtM̄vi KZ tKvb e'w³tK Ō GB K_vw̄ nBtZB c̄wi `vi Ab̄v̄eb Kiv hvBte th, Avgj t̄hM̄
Aciva Kwi t̄j Acivax̄t̄K tM̄vi Kwi tZ tKvb evav bvB| gvnḡj Bmj̄t̄gi c̄ųK̄I ejv
nBqvQ th 33 Abt'Qt` Āth̄w̄³K I t`^ŌvP̄ix tM̄vi Ges AvUKv̄t̄ki w̄i't̄x w̄KQy
c̄x̄w̄ZM̄Z iųvKeP̄i w̄eavb Kiv nBqvQ| 33 (1) I 33 (2) Abt'Q` tgvZ̄teK tM̄vi KZ
e'w³i c̄ųc` D̄c̄tiv³ Pviw̄ AaKviti i ūej̄ D̄t̄j L̄Kiv nBqvQ | (H, c̄p̄v 197)

gvb̄t̄li e'w³ `v̄axbZv I AaKvi GKw̄ m̄xgv̄ti Lvi ḡta" i vLvi c̄ųvRbxqZv m̄útkK̄
c̄h̄½μtg w̄KQy Av̄t̄j vK̄c̄vZ Kiv nBj | t̄gvt Avāj n̄w̄j̄t̄gi i w̄PZ Constitution,
Constitutional Law and Politics: Bangladesh Perspective, A
Comparative study of problems of Constitutionalism in Bangladesh
c̄ųK̄ ewYŁ Av̄t̄Q th,

"the enjoyment of rights can nowhere be seen in an absolute
position, for the enjoyment of one's right in the society is subject to
the enjoyment of others' right. ----- Unrestricted
individual liberty becomes a licence and jeopardises the liberty of

others..... If individuals are allowed to have absolute freedom of speech and action, the result would be chaos, ruin and anarchy..... This idea has got recognition in article 29 (2) of the Universal Declaration of Human Rights, 1948-

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."

Kv̄tRB Avgv̄t`i msMwZ mgv̄tR cōZwU bvMwi K t̄tki cPwj Z AvB̄tbi msÁvi mxgve×Zvi ḡtā` _vMkqvB Rxeb I e`w³ `vaxbZv t̄fvM Kwi t̄eb, AvB̄tbi mxgv AwZμg Kwi qv ev Ātbi`i e`w³ `vaxbZv j •Nb Kwi qv bq| j •Nb Kwi t̄j B mgv̄tR Ø`j I wek;Lj v m̄o nB̄tē| Avgiv th mKj AvBb w̄l̄tq GLv̄tB Avt̄j vPbv Kwi t̄ZwQ t̄mB mKj AvBb Avgv̄t`i t̄tk t̄o kZ erm̄ti i I E×Kvj hveZ cPwj Z I ciw̄q̄Z AvBb| c̄wj k ewnbx t̄tki cōg I cāvb AvBb cōq̄MKvix ms`v w̄avq Avgj thvM` Aciva m̄oKvix (thgb Lp) Acivax̄tK c̄wj k KZK t̄MBwi c̄t̄ivqv̄bv QvovB t̄MBvi Kivi m̄p̄uó w̄avb t̄dSR`vix Kvh̄w̄at̄Z t̄I qv nBqv̄tQ| Aciv̄t̄iva I cōZ̄t̄iva Ges mgv̄tR kw̄sk;Lj v īq̄v Kivi gnr D̄t̄i t̄k`B t̄dSR`vix Kvh̄w̄a AvB̄tB GB e`e`v Kiv nBqv̄tQ|

Bsj `v̄t̄Ui AvB̄tB Aciv̄t̄K t̄MBvi thvM` Aciva I t̄MBvi -ĀthvM` Aciva w̄m̄v̄tē `B f̄v̄t̄M w̄ef³ Kiv nBqv̄tQ| Bsj `v̄t̄Ui AvB̄tB th Aciv̄tai Rb` w̄bāwi Z eva`Zvgj K `Ū A_ev c̄w̄P eQ̄t̄i i Kiv` t̄Ui w̄avb īw̄nqv̄tQ (thgb P̄ji) t̄mB me Aciv̄t̄K t̄MBvi thvM` Aciva ej v nq| (Criminal Law Act, 1967, section 2 (1)) Ab` mKj Aciva t̄MBvi -ĀthvM` Aciva ewj qv Awf̄w̄nZ nq| t̄MBvi thvM` Aciv̄ta wj β A_ev t̄MBvi thvM` Aciv̄ta m̄t̄` nfvRb t̄j vK̄t̄K th t̄Kvb e`w³ AvBbm̄sZfv̄tē t̄MBvi Kwi t̄Z cv̄tib| t̄MBvi thvM` Aciva msNwUZ nB̄t̄j b̄v̄qmsMZfv̄tēB m̄t̄` nfvRb Aciv̄t̄K w̄ebv c̄t̄ivqv̄bvq̄l t̄MBvi Kiv nB̄t̄Z cv̄ti| c̄wj k h̄w` m̄t̄`n Kwi qv _v̄t̄K th, t̄MBvi thvM` Aciva NwUqv w̄Mqv̄tQ Zv̄nv nB̄t̄j b̄v̄qmsMZfv̄tē Aciv̄t̄K t̄MBvi Kwi t̄Z cv̄ti| Bsj `v̄t̄Ui ḡt̄Zv evsj v̄t̄tk Aciv̄t̄K t̄MBvi thvM` I t̄MBvi -ĀthvM` Aciv̄ta w̄ef³ Kiv nq bvB eis Avgj thvM` I Avgj -ĀthvM` Aciv̄ta w̄ef³ Kiv nBqv̄tQ| t̄Kej Avgj thvM` Aciv̄ta c̄wj k w̄ebv c̄t̄ivqv̄bvq̄ Av̄m̄vḡt̄K t̄MBvi Kwi t̄Z cv̄ti| Bsj `v̄t̄U 1998 m̄t̄B Human Rights Act bv̄t̄g GKwU AvBb c̄v̄qb

Kiv nBqvTQ | wKŠ' H AvBtb cvj tğtUi mveFšgZi I cPwj Z AvBtbi cēngvbZv eRvq
ivLv nBqvTQ | i'aygZi` Ū iwnZ Kiv nBqvTQ hrvn AtbK AvtMB iwnZ Kiv wQj |

Avtgwi Kvi AvBtbi Avgj thvM' Aciva Kwi tj cvj k AcivaxtK webv ctivqvbvq
tMBvi Kwi tZ cti | "A cognizable offence in the United States is a case
where the police can arrest without a warrant. All cognizable cases
involve criminal offences. Murder, robbery, theft, rioting and
counterfeiting are some examples of cognizable offences" (source —
internet).

Avgt`i t`tk tdŠR`vix Kvhēwa AvBtbi PZi R Aa`vtq (aviv 154-176) tKvb
Aciva msMVtbi msev` cvlqvi ci cvj tki tlgZv, `wqZi I KZē` m`utK`wē`wi Zfvte
weavb Kiv nBqvTQ | Avgj thvM' Acivtai msev` _vbvi fvicŮB KgRZP woku tgšLKFvte
t`lqv nBtj fvicŮB KgRZP wbaŮi Z di tğ Dnv wj wce× Kwi teb | wj wLZ A_ev tgšLK
msev` cvlqvi ci wbaŮi Z eBtq wj wce× Kwi qv msev` `vZtK cwovq I i'bvBqv Zrvni `~
LZ wteb | Avgj thvM' Aciva wetkl Kwi qv Lp, WvKwZ, Pvū vewR (extortion), Acni Y,
alŮ, BZ`w` „i" Zi Aciva msNUtbi msev` cvBtj msukē _vbvi fvicŮB KgRZPA_ev th
tKvb GKRb KgRZP mstM mstM Nubv`tj Mgb Kwi qv msNwUZ Acivtai cKZ Z`
D`NvUtb i` t`cŮwKZ ev ewYZ AcivaxtK tMBvi I gvgjvi Z`š-i" Kiv Zrvni ev
Zrvn`i AvBbm`šZ KZē` nBqv hvq | Z`ŠKvth`Aetnjv ev t`ix Kwi tj Nubvi inm`
D`NvUb Kiv RvUj nBqv cto | tMBviti gj Dt`ik` nBj Awfhy³ e`w³t`i cvvqti mthvM
nBtZ weĖ Kiv | GKwU Avgj thvM' Aciva msNUtbi msev` tUwj Mōg ev tUwj tdtvbi _vbvq
t`lqv hvq | GKwU tğtqtK Acni tYi msev` tUwj tdtvb cvBtj _vbvi cvj k KgRZP
ZrvŮwYKfvte Nubv`tj hvBqv cŮg `wqZi wnmvte wfKwUgtK D×vi Kiv, D×vi Kivi ci
Wv³wvi cixŮv Kivtbv, Avmvgx tMBvi Kiv I Z`š-i" Kiv cvj tki KZē` nBqv hvq | wej`
Kwi tj wfKwUtgi Rxeb wecbænBte, AvmvgxtKI cvlqv hvBte bv, Aciw`tK wfKwUtgi
cwi evi wbi vcĖvxbZvq fymte |

1998 mvjtj i ci nBtZ mgtqi weeZēbi mvjt_ mvjt_ Acivtai gvĭv, AcivacēYZv I
Aciva msNUtbi tKŠkj be be AvKvti cŮZwbqZ ew× cvBtZtQ | GgZve`vq miKvi MZ
KtqK ermi hver Dctiv³ ifc μgvMZ ew×cŮB Acivamgn tivaKtī I `gtbi Dt`ik`
weirfbæwetkl wetkl AvBb h_v, wetkl tlgZv AvBb, 1974, bvix wbhēZb (weZē kw`}
Aa`vt`k, 1983, bvix I wki wbhēZb `gb AvBb, 2000, AvBb-k, Ljv weNkvix Aciva
(`Z wePri) AvBb, 2002, `pwxZ `gb Kvgkb AvBb, 2004 BZ`w` AvBb cŮqb Kiv Qvovl

1860 mvtj i `Üwewa AvBtb wKQybZb aviv msthvRb h_v 326 -G (GwmW wbt¶¶tci Rb` gZi`Ü chškw`+ weavb) I Avi I wKQyavivq KtVvi kw`+ weavb Kwiqv¶Qb| GB mKj AvBtbi Avl Zvf,³ Aciva Avgj thvM` Ges bvix I wki wbh¶Zb `gb AvBtbi Aciva iay Avgj thvM`B bñ, Bnv Rwigb-AthvM`I e¶U| GQvovI A`j AvBtbi Ges weťöviK `ë` AvBtbi Aciva_wj I Avgj thvM` Aciva| RbMtbi, wetkl Kwiqv bvix mgv¶Ri, tRvi `vexi tci¶¶tZ Ges ep×cß Aciva `gtbi Dt¶tk`B GB mKj wewfbaeKtVvi AvBb c¶qb Kiv nBqv¶Q| GB mKj AvBtbi Avl Zvf,³ Aciva Kivi c¶iI hw` Acivax¶K Acivtai msev` QvovI Ab` tKvb mg_ßmPK Dcv`vb bv cvl qv chš¶Mßvi Kiv bv nq Zvov nBtj GB mKj AvBtbi Dt¶tk`B iaye`_°nBte bv, wewfbaemsMvb, wetkl Kwiqv bvix mgvR, Avt`vj b i i` Kwi tZ cvti | Z`šKte tkl nBte Zvovi tKvb wßqZv bvB Ges tmB chšAvmvgxiv ewnti _wktj wfkutgi Rxeb wecbænBqv hvBte |

1860 mvtj i `Üwewa AvBb, (1860 mvtj i 45 bs AvBb) mgv¶Ri kwšk:Lj v weavbKt¶ c¶qb Kiv nBqv¶Qj | `Üwewa AvBtbi Dt¶tk` nBj Acivax¶K kw`-cß vb Kwiqv Aciva `gb I cßZtiva Kiv| 1860 mvtj i `Üwewa AvBb, 1898 mvtj i tdšR`vix Kvhwewa AvBb Ges mv¶¶ AvBb mgn Avgv`i t`tk kZ ermti E×¶vj hver ciw¶¶Z AvBb| Acivax¶K kw`-cß vbi `wqZj GKvšfvteB ivtoi, KviY ivóB Zvovi bvMwi Kt`i Rxeb, `vaxbZv I mæúwEi i¶¶K| bvMwi Kt`i Rxeb, `vaxbZv I mæúwEi i¶¶v Kiv ivtoi `wqZj weavq cßZw _i`Zi Acivtai t¶¶t¶ ivotKB ev`xi fvgKv cvj b Kwi tZ nq Ges Acivax¶K Zvovi Acivtai Rb` h_vh_ I AvBbvbmfvte kw`-cß vbi e`e`v Kwi evi `wqZj| ivtoi Dci eZ¶¶ |

GLv¶b Dtj L-Kiv cßqvRb, GKwL Ltbi gvgj vi Z`šmgvßi ci gvgj vi wePvi KvH° mæúbæKwi tj I t`Lv hvq th cßq mEi fvm gvgj vZB mv¶¶ cßv¶Yi Afvte Avmvgx Lvj vm nBqv hvq| GB Lvj vm nBevi A_°GB bñ th, ewYZ Ltbi NUbwU Avt`š NtU bvB| NUbwU wKB NuUqv¶Q, wKš` ivóc¶¶ mWK mv¶¶ cßvY Av`vj tZi mvgtb Dcw`Z Kwiqv gvgj wU beyond all reasonable doubt cßvY Kwi tZ e`_°nl qvq Avmvgx Lvj vm cvBqv¶Q| eZgvb mg¶q wewfbaei tbi Avgj thvM` Aciva thgb Lp, WwKwZ, al¶, AcniY, Pu`vevR, wQbZvB BZ`w` _i`Zi Acivamgn Anin msNuUZ nBtZtQ| GBme Acivta cßwKZ Acivax¶K tMßvi KivB `fvweK AvBb| mstM mstM tMßvi bv Kwi tj GBme Acivax¶K Avi KLtbbv cvl qv hvq bv Ges Acivax ewnti _vKvi Kvi tY mv¶¶xiv f¶q Z`šKgRZ¶ mvgtb nwmRi nq bv, dtj mv¶¶i Afvte mWKfvte Z`šKiv tgv¶U I mæ nq bv| GQvovI wePvi KvH°cw Puj bvi mgq ewnti _vKv Avmvgxiv mv¶¶xt`i Rxeb I mæút`i Dci nvgj v ev

threat Kivi Kvi tY mv¶xiv Av`vj tZ Dcw`Z nq bv Ges AþbK t¶¶t¶ mv¶x Dcw`Z nBtj I AvZstK mWVK K_v ewj tZ cvti bv| GQov wKQyunknown murder cðqB msNwUZ nq| AvBb nBj th, GB iKg NUbvi msev` th tKvb fvtEB tUwj Mðg ev tUwj tðvfb cvl qv gv¶t cvj tki KZ® nq Zvr¶¶WYKfvte NUbv`tj Dcw`Z nBqv Z`šKiv| GB t¶¶t¶I suspect- t`iþK tMBvi I interrogation- bv Kwi tj Ltþbi inm` D`NvUb Kiv mæe nq bv| weavq suspect-t`iþKl mstM mstM Z`tst-`t_©tMBvi Kwi tZ nq| tMBvi bv Kwi tj interrogation Kiv mæe nq bv| 167 avivq interrogation- Gi cðqvRtbB 15 w`b chS- cvj kx tndvRtZ ivLvi weavb Kiv nBqv¶Q| cKZ Z_ D`NvUþbi Rb`B interrogation-Gi cðqvRb nq| Ab`vb` t`tkl GKB e`e`v we`gvb| tKn hw` gtb Ktib th ZrvntK Ab`vqvfvte tMBvi Kiv nBqv¶Q Zrvn nBtj wZwb habeas corpus ev Rvwgtbi gva`tg g¶³ cvBtZ cvtib|

Z`šKvtj msMpxZ mv¶¶cðvY AwfthvM cðvtYi Rb` ht_ó bq gtg©cZxqgvb nBtj gvgj vq dvBbvj wi tcvU©cðvb Kiv nBqv _vtK| AZGe gvgj v`vtqi nBevi mv¶_ mv¶_ Awfhy³ e`w³tK tMBvi Kiv Kvg` bþn gtg©Avtj vP` c¶¶ Dtj L-Kiv nBqv¶Q|

Dctiv³ e³te`i Avtj vtK Bnv ejv cðqvRb th, tdšR`vix Kvhtewai 173 aviv tgvZvteK Z`šmgwBi ci wba¶¶i Z ditg ðcjj k wi tcvU©`wLj Kivi K_v ejv iwnqv¶Q| GB avivq ðAwfthvMc¶¶ ev ðdvBbvj wi tcvU©ewj qv tKvb kã e`eüZ nq bvB| cvj k wi tcvU¶ cv_¶¶ tevSvi myeavt_©cvj k ti _tj ktþi gta` AwfthvM c¶¶ I dvBbvj wi tcvU© K_v_wj e`envi Kiv nBqv¶Q| AwfthvM Z`š¶tg cð_wgK cðvY cvBtj AwfthvM c¶¶`wLj Kiv nq Ges Avmvxi wei`tx cð_wgK cðvY bv cvBtj dvBbvj wi tcvU©wLj Kiv nq| wKŠ` dvBbvj wi tcvU©wLj Kwi tj I g`wRtótU Dnv MðY Kwi tZ eva` bþnb| GB wi tcvU©cvW Kwi qv g`wRtótU hw` GB gtg©mšé nb th, tKvb wbw`® e`w³ AwfthvM c¶¶ nBtZ AbjPZfvte ev` cwoqv¶Qb, Zrvn nBtj wZwb H e`w³i wei`tx Abjfc cvj k wi tcvU©ev dvBbvj wi tcvU¶ wfwEþZ AcivawU tdšR`vix Kvhtewai 190 (1) avivi (L) Abj`Q` tgvZvteK Avgtj MðY Kwi tZ cvtib| (Falak Sher and another vs. The State, 19DLR 426 SC)| dvBbvj wi tcvU¶ wei`tx tKvb bviwR`iLv`-tck Kiv nBtj g`wRtótU dwi qw`i Revbew` MðYce¶ gvgj wU Avgtj wbtZ A_ev tdšR`vix Kvhtewai 202 avivq ewYZ KvhtewaiZ AbjmiY Kwi tZ cvtib| (Abdus Salam Master alias Salam and another vs. The State, 36 DLR 58 (60) AD).

173 avivq AwfthvM c¶¶ I Povšwi tcvU©GB`BwU wgvj qvB cvj k wi tcvU©Zix nq| g`wRtótUi Kv¶Q dvBbvj wi tcvU©mtšH RbK bv nBtj KvMRc¶ ch¶j vPbv Kwi qv Dcv`vb

(material) cvl qv tMij g'vRtóU H Avmvgx ev Avmvgxt`i wei`tx gvgj vU Avgtj vbtZ cvtib A_ev c0qvRb gtb Kwi tj further investigation- Gi Rb` tclY Kwi tZ cvtib| KvRB dvBvj wi tcvU`vLj Kwi tj B NubvU NtU bvb Bnv ejv hvBte bv| bvbv Kvi tY dvBvj wi tcvU`nq Ges tmBRb` c0q me tTtB bviwR t`lqv nq| Avgj thvM` Aciva wetkl Kwi qv „Zi Aciva msNwUZ nBtj cvj tki c0g AvBbMZ `vqZj nq Avmvgx tMBvi Kwi qv cieZ`e`v MhY Kiv|

tdSR`vix wePvi e`e`vq Avmvgxi Abjcw`wZtZ wePvi KvH`m`uv`tbi mjbw`0 weavb iwnqvtQ gtg`Avtj vP`ctI Dwj wZ wetq ejv hvq th Avmvgxi Abjcw`wZtZ wePvi KvH` m`utbi tKvb weavb ev e`e`v 1982 mvtj i ce`chS`tdSR`vix wePvi e`e`vq KLtbvB wQj bv| Avmvgxi Dcw`wZtZ Ges m`yLB wePvi KvH`cwi Pvj bv Kivi eva`evaKZvi weavb hM hM awi qv Puj qv AvmtZtQ| c0Z`KwJ mvTjK Avmvgxi mvgtb cixTjv KivB cKZ wePvi cxwZ Ges ev`xcTj i mvTj` MhY mgvB nBtj tdSR`vix KvH`wai 342 aviv tgvZvteK Avmvgxt`iK cixTjv Kiv eva`Zvgj K Ges GB cixTjvKvj xb mgq tKvb&mvTjx tKvb&w0 0 welqu Avmvgxi wetTj ewj qvtQ Zvrv mjbw`0fvte Zvj qv awi qv Avmvgxi `w0 AvKI` Kiv nq Ges G m`umKZ Avmvgxi tKvb e`e`v`vKtj Zvrvl wj wce` Kwi tZ nq|

1982 mvtj i 24 bs Aa`vt`k tgvZvteK tdSR`vix KvH`watZ 339-we aviv bvtg GKUv bZb aviv msthvRb Kiv nBqvTQ| BnvB Avmvgxi Abjcw`wZtZ wePvti i GKUv e`wZjgx e`e`v| GB avivi wba`wZ weavb nBj th, 87 l 88 avivi weavb (proclamation and attachment for person absconding) cvjb Kivi ci hw` Av`vj tZi GBifc weklm Kwi evi KviY `vtK th, tKvb AvmvgxtK wKQZB tMBvi Kiv m`e nBtZtQ bv Ges tm mv`Rfvte tMBvi GovBqv tdivix nBqvTQ ev AvZ`Mvcb Kwi qvtQ Ges ZvrvtK tMBvi Kwi tZ cvivi Avi tKvb m`tebv bvb, tKej GB Pig cwi w`wZtZB wePvi Kvi x Av`vj Z KZ` KgctTj `BwU euj -cPwi Z RvZxq evsjv `wbK msev`ctI weAwB cPvti i gva`tg H Abjcw`Z AvmvgxtK weAwBtZ wba`wZ mgtaqi gta` Av`vj tZ nwmRi nBevi wbt`R w`tZ nq Ges msuké` e`w`3 D`3 wbt`R cvjb Kwi tZ e`nBtj ZLbB tKej tmB e`w`3i Dcw`wZ QvovB Zvrvv wePvi KvH`m`ubceKiv hvq| wKŠ` H Avmvgx cieZx`Z nwmRi nBqv Avicj ev wivfkb Kwi tj AtbK tTtI mvTjK tRiv Kivi mthvM`vbi `T`gvgj vU wi gvtU Puj qv Avtm| Gfvte gvgj vi P ovŠw`0wE wej w`Z nq| KvRB AvBtbi wba`wZ weavb nBj AvmvgxtK Aek`B wePvti i mgq Av`vj tZ nwmRi Kwi tZ nBte Ges GUvB maviY wbgq| AvmvgxtK Av`vj tZ MwZ charge cvW Kwi qv i bvbqv Zvrvv Reve MhY Kwi qvB wePvi i i` Kwi tZ nq|

GB ~~ტაქტიკა~~ Avtiv Dti ~~სა~~ Kiv c0qRb th gZi` UtvM` tKvb Acivta Avmgxi ct`
 tKvb AvBbRxxi c0Zw0aZ; e`wZti tK Zvni wePvi I kwi`-c0vb A%ea nBte | KvRB tmB
 Acivta Abcw`Z tKvb Avmgxi ct` state defence wnmvte Legal
 Remembrancer's Manual tgvZteK GKRB AvBbRxxi wbtqvM Kiv wePwi K
 Av`vj tZiB KZ` nq Ges tmB AvBbRxxi mg`-e`q miKvitKB enb Kwi tZ nq | KvRB
 th tKvb Ae`v wePbv Kwi tZ t`Lv hvq th GKUv Pig I e`wZmugx cwi`wZ tZ wKQz RuUj
 c0wZ AwZmug Kwi qvB Avmgxi Abcw`wZ tZ wePvi Kwi tZ nq |

Avgj thvM` „i`Zi AcivtaB tKej AvmgxtK mWVK Z` st b`vqwePvtii `t`-tMBvi
 KivUv cKZ AvBb I c0wZ, Abcw`wZUv GKUv A`tfweK, Pig I e`wZmugx e`v |
 D`vniY`tfc ejv hvBtZ cvti th, GKRB tjvK w`tbi tejvq Zvni `xtK nZ`v Kwi qv
 i`3gvLv Qvi nv tZ Ni nBtZ ewni nBqv cvj vBqv hvBevi mgq c0ZteKx`BRb tjvK ZvntK
 i`3gvLv Qvi j Bqv cvj vBqv hvBtZ t`wLqv tdtj | GgZve`vq cvj ktK WwKqv AwbtZ ev
 g`wRt0tUi Avt`k M0Y Kwi tZ tMtj BZ`emti H nZ`vKviwU cvj vBqv hvBtZ m`lg nBte
 Ges ZvntK Avi KLtbvB wePvtii m0tL nWri Kiv bvl hvBtZ cvti | Gi dtj victim
 cwi evi b`vqwePvi nBtZ ew`AZ nBte | GBRb`B GBifc „i`Zi Acivtai AcivxtK maviY
 bvMwi Kl Zvr`qYKfvte tMBvi Kwi qv cvj tk tmvc` Kwi evi m`u0 weavb AvBtbi gta`
 i`wqv tQ | cvj k Awmqv GB aZ AvmgxtK tMBvi Kwi te, jvtki gqbv Z`SKivBte, cvj kx
 Z`st`i` Kwi te Ges AcivxtK wePvtii m0tLxb Kwi te | BnvB AvBtbi `tfweK Muz I
 c0wZ |

GLvtb Dti ~~სა~~ Kiv c0qRb th `Uwea AvBb, tdSR`vix Kvhe`a AvBb, mv` AvBb
 Ges msuk0-Ab`vb` AvBbmgt`ni wfvEtZ c0Zw0Z Criminal Justice System fviZ,
 cwiK`vb, k0j sKv, w0DwRj `vU, At0wj qv Ges Ab`vb` t`tkl c`uj Z AvtQ | H me t`tkl
 Avgj thvM` Acivtai Rb` cvj k AcivxtK tMBwi ctivqvbv QovvB tMBvi Kwi qv gvgj vi
 Z`SKti, Nubvi mZ`Zv D`NvUb Kti Ges AvmgxtK tKvtU`c0mWkDU Kti | Avgj thvM`
 Acivtai Z`SKte ev KZ ermti tkl nBte Zvni tKvb w00qZv bvB | Lp, RLg, WwKwZ,
 wQbZvB, Pu`vewR, Trafficking of women for sexual exploitation BZ`w` RNb`
 ai tYi Aciva msNUtbi ct`il h` GRvnti ewY` ev c0wkZ Avmgx ev h`3msMZfvte
 m0`nfvRbt`i tK tMBvi Kiv bv nq Zvni nBtj GtKi ci GK GB mKj Aciva msNUZ
 nBtZ _wKte Ges RbMtbi Rvbgj GKU Amnbxq w0vcEvxbZvi gta` cwZZ nBte |

Avgj thvM` wetkl Kwi qv „i`Zi Aciva msNUZ nBtj h`vm0e kxN0 mWVK Z`S-
 mgvB Kwi qv cKZ Acivxt`i mbv3 Kwi evi j t`B Awfhy3 e`w3 A`ev Nubvi mt`2 RwoZ

ewj qv hy³msMZ m³nfvRb e³ i c³ k KZ³ ctivqvbv QvovB tM³vi Kwi evi weavb
 tdSR`vix Kvhe³atZ Kiv nBqv³Q| wK³AvB³bi weavb nBj tM³vi Aek³B hy³msMZ I ³Q
 nB³tZ nB³te Ges tM³vi KLB³B t³QvPvix (arbitrary) nB³te bv| Turbulent Acivax
 e³W³ti³tK tM³vi KZ Ab³ tKvb e³ iK n³ZKov ev tKvg³ti i³wk ev cv³tq teox ewavi gZ
 gvbemaKv³ti i c³wi c³šx KvR Kiv mgxPxb nB³te bv| tM³vi³ i tš³W³KZv I ³QZv w³W³OZ Kivi
 j³t³q³ c³QvRbtevt³a c³ij k ti ³tj k³tb wK³Oymstkvab Avbqb³utg tš³W³Kf³te Kvhe³uv³ tbi
 Rb³ c³ij k³tK c³QvRbxq c³Q³Y c³Qv³ti e³e³v Kiv hvB³tZ cv³ti| GQvov c³ij k KZ³
 Acivax tM³vi³ i t³q³t³ tKvb excess ev torture Kwi³ t³j Aek³B c³QvRbxq kw³-weav³bi
 e³e³v i³wL³tZ nB³te| ³i³Zi Aciv³tai m³nZ R³wOZ Kwi qv w³b³t³ A_P c³QZc³q³ tKvb
 e³ iK t³Kej g³v³ tM³vi Kwi qvB mgv³tR Zv³ni m³š³bnw³b NUv³bv hvq Ges GBf³te
 character assassination by arrest hv³tZ bv nq t³mRb³ c³ij t³ki tM³vi Kivi
 q³lgZw³U msK³uPZ Kiv mgxPxb nB³te ewj qv Avgiv g³tb Kwi bv| Avgiv g³tb Kwi, i³vR³w³W³ZK
 Kvi³tY, c³ij t³ki Dci i³vR³w³W³ZK I c³Q³vmw³bK c³f³ve w³e³-v³ti i Kvi³tYB Gme NUv³ N³U| GBme
 Awbqg I Abv³Pv³ti i c³QZKvi Ab³-f³te Ges Ab³-³ L³yR³tZ nB³te, AvBb c³wi eZ³ Kwi qv bq|

Dc³ti³v³ Ae³-v wetePbv Kwi qv Avgv³t³ i Awf³gZ GB th b³vqwePvi w³W³OZ Kivi
³-v³t³_B ew³Y³ AvBb mg³t³ni AvL Zv³f³,³ Avgj t³h³vM³ Aciva m³W³Kvix Acivax³-i³tK NUv³
 msNw³UJZ nLqvi mv³t³_ mv³t³_ tM³vi Kiv c³QvRb| Zv³nv bv Kwi³ t³j b³vqwePvi w³W³N³Z nB³te,
 w³fKw³Ug c³wi evi q³W³ZM³O³-nB³te, crime rate A³t³bK c³wi g³v³tY ew³× cv³Bte| GgZve³-vq
 tdSR`vix Kvhe³wa AvBb I GB ms³μ³všAv³tj vPbvq D³tj w³-Z t³cbvj (penal) AvBbmgn
 c³wi eZ³ ev m³stkvab Kiv mgxPxb nB³te bv ewj qv Avgiv g³tb Kwi |

(Wt Gg, Gbv³ij nK)
 m³-2

(w³ePvi c³wZ tgv³ w³mi vRj Bmj vg)
 m³-1

(w³ePvi c³wZ tgv³-v³dv Kv³gvj)
 t³Pqv³i g³vb