

25.04.2025

Item No.DL123
Court No. 28
Asraf, AR(Ct.)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 1557 of 2025

In Re : **BODRUJJAMAN @ BADAL**

.....Petitioner

For the Petitioner :

Mr. Abhimanyu Banerjee

Mr. Arnab Saha

Ms. Priyanka Yadav

.....Advocates

Learned counsel appearing on behalf of the petitioner submits as follows. An FIR was registered against the petitioner and other accused, inter alia, under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985 as also the Arms Act, 1959. However, chargesheet was submitted only under the NDPS Act. This was meant only to frustrate the petitioner's right to pray for statutory bail. A prayer has been made while submitting the chargesheet for filing a supplementary chargesheet. The learned Special Judge ought not to have taken cognizance on such incomplete chargesheet.

It is open to an investigating agency to file a chargesheet on some or all of the provisions mentioned in the FIR. Once it is so done, it shall then be open to the learned Magistrate to go through the materials and take cognizance.

Here, a reasoned order has been passed by the learned Special Judge while taking cognizance for offences under

Section 21(c), 27A and 29 of the NDPS Act. As of now there is no reason for the petitioner to get prejudiced.

If at a subsequent stage any further action is taken which prejudices the petitioner, he shall be at liberty to take appropriate action.

Thus, I find no illegality in the order taking cognizance.

Therefore, the revisional application is **dismissed**, however, without any order as to costs.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)