

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

CRR 563 of 2025

Murshid Alam Miah @ Mursid Alam Miah
Vs.
The State of West Bengal

For the Petitioner : Mr. Anirban Banerjee

For the State : Mr. A.S. Chakraborty
Mr. Subhasish Misra

Last heard on : 25.03.2026

Judgement delivered on : 25.03.2026

Jay Sengupta, J. :

This is an application challenging an order dated 06.01.2025 passed by the learned Special Court (NDPS), Alipurduar in NDPS Case No.93/25 corresponding to Alipurduar PS Case No.314/24 dated 16.07.2024 under Sections 21(C)/27/29 of the NDPS Act thereby issuing warrant of arrest against the petitioner.

Learned counsel for the petitioner submits that on 06.01.2025 when the charge-sheet was submitted, no satisfaction was recorded for taking cognizance. A portion of the expression taking cognizance is in typed form, but the rest was written by hand. Therefore, all subsequent orders including the order of issuing warrant of arrest are bad in law.

Learned Additional Public Prosecutor representing the State opposes the challenge to the order and submits that there are no magic words by which a cognizance can be taken. When the learned Magistrate takes note of the charge-sheet and its accompanying documents and proceeds further, that is sufficient compliance of taking of cognizance. Moreover, there is a delay in challenging the order dated 06.01.2025 and no application for condonation of delay has been filed.

It is, indeed, a settled position of law that there are no magic words by which cognizance can be taken of an offence in a criminal case.

It is clear from the order dated 06.01.2025 that the charge-sheet was produced before the learned Magistrate. The charge-sheet and the case records were considered and cognizance was taken.

The expression "Cognizance is taken" was constituted in two parts, a portion was typed and the word "taken" was written by hand. This would, on the contrary, show that there was a clear application of mind.

Moreover, there is an inordinate delay in challenging the order dated 06.01.2025. There is no application for condonation of the same filed earlier.

As the present petitioner remained absconding, warrant of arrest had to be issued on that date and on the subsequent dates.

Therefore, I do not find any merit in this application.

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

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

