

04.10.2021
Srimanta
Sl. No. 48
Ct. No. 18

C.O.311 of 2021
[Via Video Conference]

Sri Nirmalendu Roy
-Vs.-
Minor Shinjini Roy Mukherjee

Mr. Nabankur Paul, Adv.

...for the petitioner.

Mr. Soumyajit Mishra, Adv.

...for the opposite party.

The petitioner by the present application under Section 24 of the Code of Civil Procedure is praying withdrawal and transfer of a proceeding under Section 125 of the Criminal Procedure Code pending before the 2nd Court of learned Judicial Magistrate at Bolpur, Birbhum, registered as Misc. Case No. 92 of 2020 [***Minor Shinjini Roy Mukherjee vs. Nirmalendu Roy***].

The said Misc. Case being a criminal proceeding, Section 24 of the Code of Civil Procedure cannot be resorted for withdrawal and transfer of it.

C.O. 311 of 2021 is dismissed as misconceived without any order as to costs.

This order however, will not prevent the petitioner to file appropriate application for the self-same relief in appropriate jurisdiction.

(Biswajit Basu, J.)