

14-08-2023
Court No.3
mg/bm/41.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

C.R.R. 3 of 2023

**KOKIL URAO @ KOLIL ORAON
Vs.
The State of West Bengal & ANR.**

Mr. Aditi Shankar Chakraborty
Mr. Abhijit Sarkar
...for the State

None appears for the petitioner. On previous occasion namely on 07.08.2023 none appeared for the petitioner. The instant application is filed under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973 against the Order dated 28.11.2022 passed by the Sub-Divisional Magistrate, Alipurduar whereby the Magistrate issued search warrant against the present petitioner for keeping in custody his 7 years old daughter.

Prima facie, as appears from the materials on record and as submitted by the learned Counsel for the State, the minor child aged

about 7 years is under the custody of his father namely his lawful guardian. The claim between mother and father can be settled before proper forum over guardianship. However the impugned Order cannot be passed for searching out the child from lawful custody of his father.

Accordingly, the impugned Order dated 28.11.2022 passed by the Sub-Divisional Magistrate, Alipurduar in Petition no.80 of 2022 stands quashed.

The instant revisional application stands disposed of.

(SUGATO MAJUMDAR, J.)