

20.04.2026
Item No.20 (DL)
Court No.04
AJ.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION**

**C.O. 44 of 2026
Sri Surajit Mitra
-Vs-
Sri Bikash Sha**

Mr. Momenur Rahaman,
Mr. Krishna Barman.
.....for the petitioner.

Mr. Debasish Mukhopadhyay,
Mr. Diganta Ghosh,
Mr. Nirmal Mandal.
.....for the opposite party.

1. This revisional application is directed against an order dated December 22, 2025 passed by the learned Civil Judge (Senior Division), Jalpaiguri Sadar Court in Title Suit No. 36 of 2021 whereby the petitioner's application under Section 340 of the Code of Criminal Procedure, 1973 (presently Section 379 of the Bharatiya Nyaya Sanhita, 2023) has been rejected.

2. An order passed under Section 340 of the Code of Criminal Procedure (presently Section 379 of the Bharatiya Nyaya Sanhita, 2023) is appealable under Section 341 of the Code of Criminal Procedure, 1973 (presently Section 380 of the Bharatiya Nyaya Sanhita, 2023).

3. In such view of the matter, this revisional application is not entertained. C.O. 44 of 2026 is dismissed.

4. This order shall however not preclude the petitioner from approaching the appropriate Court in accordance with law.

(Om Narayan Rai, J.)