

(1880) 11 CAL CK 0001

Calcutta High Court

Case No: None

In Re: Chandrakanta
De

APPELLANT

Vs

RESPONDENT

Date of Decision: Nov. 9, 1880

Acts Referred:

- Penal Code, 1860 (IPC) - Section 188

Citation: (1881) ILR (Cal) 445

Hon'ble Judges: Richard Garth, C.J; Maclean, J

Bench: Division Bench

Judgement

Richard Garth, C.J.

In our opinion Section 188 applies to orders made by public functionaries for public purposes, and not to an order made in a civil suit between party and party; so we think the Magistrate was right in refusing to-act under the section.

2. If the defendant in the suit has disobeyed the injunction, the Judge ought, on the application of the plaintiff, to have sent him to jail for disobeying the Court's order; that was the proper remedy.