

(1870) 02 CAL CK 0021

Calcutta High Court

Case No: None

In Re: A.M. Carter

 John

APPELLANT

Vs

RESPONDENT

Date of Decision: Feb. 4, 1870

Judgement

Macpherson, J.

I do not think the defendant is entitled to be released, on the ground that his arrest took place when he was on his way to Court. With the circumstances under which he came to be in contempt, and under which the attachment issued, I have nothing to do. All that I have to take notice of is that he is in contempt, and that the Court has ordered his attachment. Being in contempt, he has no privilege from arrest under a writ of attachment issued on account of that contempt. The privilege under which a witness who is arrested on his way to Court is entitled to his release is the privilege, not of the witness, but of the Court, for the purpose of ensuring the due administration of justice. When a party is in contempt, and a writ issues in consequence for his arrest, it does not appear to me that the due administration of justice is in any way hindered or interfered with, if the party is arrested under the writ when on his way to attend Court in the suit in which the contempt has been committed. If he wishes to clear his contempt, he can do so. If he does not choose to clear his contempt, I see no reason why he should not be arrested. The defendant must be committed.