

[FISHER, C.J. AND STUART, J.]

CHRISTODOULIDES

v.

CHRISTODOULIDES.

FISHER,
C.J.
&
STUART, J.
1921
February 12

CYPRUS COURTS OF JUSTICE ORDER, 1882, CLAUSE 39—COMMITTAL TO PRISON FOR CONTEMPT OF COURT—EVIDENCE—AFFIDAVITS FOUNDED ON INFORMATION AND BELIEF—RULES OF COURT, O. XV., RR. 14, 15.

Orders of imprisonment under Clause 39 of the Cyprus Courts of Justice Order, 1882, should be founded on strictly proved definite acts of disobedience.

In affidavits founded on information and belief the provisions of Order XV., rr. 14, 15 must be complied with and the sources of information and belief stated.

This was an appeal from an order of the District Court of Nicosia committing the Defendant to prison for three months for disobeying an order of the Court.

Theodotou, N. Paschalis, and Stavrinaki for the Appellant.

Russell, K.A., Artemis and Triantafyllides for the Respondent.

Judgment: Exactness in procedure and proof are essential in proceedings which are instituted with a view to punishment for contempt of Court. In the report of the Privy Council in the case of *re Pollard*, L.R., 2, Privy Council, 106, it is laid down that "No person should be punished for contempt of Court, which is a criminal offence, unless the specific offence charged against him be distinctly stated, and an opportunity of answering it given to him."

In our opinion these conditions were not complied with in this case.

There is another point to be noticed. It appears from the file of the proceedings that the evidence on which the first application to deprive the Defendant of his liberty was made consisted of two affidavits, in one of which the deponent made certain allegations stating as a basis for them that he had "received information" and "had reason to believe." Nothing was said as to the source of the information nor the foundation of the belief as required by O. 15, rr. 14, 15. It is important that the provisions of those Rules should be observed.

Appeal allowed.