

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.4358 Discharge of prisoner in civil cases.

Sec. 4358. If the prisoner is in custody by virtue of civil process from any court legally constituted, or issued by any officer in the course of judicial proceedings before him, authorized by law, the prisoner shall be discharged only if 1 of the following situations exists:

(1) Where the jurisdiction of the court or officer has been exceeded, either as to matter, place, sum or person;

(2) Where, though the original imprisonment was lawful, the party is entitled to be discharged;

(3) Where the process is void;

(4) Where the process, though in proper form, has been issued in a case not allowed by law;

(5) Where the person having the custody of the prisoner is not the person empowered by law to detain him;

or

(6) Where the process is not authorized by any judgment, order or decree of any court, nor by any provision of law.

History: 1961, Act 236, Eff. Jan. 1, 1963.