

MANU/BH/0047/1946

Equivalent Citation: AIR1946Pat357

**IN THE HIGH COURT OF PATNA
FULL BENCH**

Decided On: 23.04.1946

Appellants:**In Re: A, a mukhtar**

Hon'ble Judges/Coram:

C.M. Agarwala, Actg. C.J., Syed Jafar Imam and Das, JJ.

JUDGMENT

C.M. Agarwala, Actg. C.J.

1. This is an application by a person who was a Mukhtar to be enrolled as such, his name having been struck off the Roll by an order of this Court in 1937 on a finding that he had committed criminal breach of trust in respect of a sum of Rs. 130 entrusted to him by a client for the purpose of being deposited in Court to avoid an execution sale of the client's holding. The result of the embezzlement was that the holding was sold. The Court, after a full consideration of the circumstances of the case, decided that the applicant was not a fit person to be retained on the Roll of legal practitioners, and accordingly struck his name off the Roll. In 1938 the petitioner made an application to this Court to be re-instated. This application was summarily dismissed by a Bench presided over by the then Chief Justice. In 1943 he made a second application for being re-instated. This application was heard by a Bench of three Judges presided over by the then Chief Justice who observed:

I do not think that a person who has shown himself capable of committing such a serious breach of duty should be re-instated.

2. The view which this Court has consistently taken in this case, and in other cases involving a breach of trust on the part of a lawyer in respect to money entrusted to him by a client, has, I am glad to say, not been altered by anything that has been addressed to us to-day.

3. The relationship between a lawyer and his client is one that demands the utmost good faith on the part of the lawyer. The ignorance of clients, their inability to be present on every occasion when money is paid or received on their behalf, and the general reputation of members of the profession all required that a person who derogates from the high standard demanded of a legal practitioner must not be permitted to be in a position where he can harm the interest of his clients, and the reputation of the profession to which he belongs, and, at the same time, the reputation of the Court for the administration of justice. Lawyers are officers of the Court, and their misconduct cannot but affect that trust which litigants are entitled to place in the conduct of legal proceedings. The petitioner has attached to his petition a number of certificates granted to him by persons who testify to his good conduct since the original proceedings were taken against him.

4. It is gratifying to know that the reputation of the petitioner is somewhat better now than it was in 1937. But the moral lapse which occurred then was such as to indicate that the petitioner is not a person who should be placed in a position of trust

where the possibility must always arise of another lapse.

5. I would, therefore, dismiss this application.

Syed Jafar Imam, J.

6. I agree.

Das, J.

7. I agree.

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