

MANU/BH/0034/1932

Equivalent Citation: AIR1932Pat356, 140Ind. Cas.10

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

Decided On: 16.08.1932

Appellants:**In Re: Babu Awadh Bihari Lal, Mukhtar**

Hon'ble Judges/Coram:

Courtney Terrell, C.J., Saiyid Fazl Ali and C.M. Agarwala, JJ.

JUDGMENT

Courtney Terrell, C.J.

1. This is a reference relating to one Babu Awadh Bihari Lal, a mukhtar practising at Nawada in the Gaya District. He had in the month of August 1931 defended an individual named Karmania Goala who was charged with an offence before the Sub-Deputy Magistrate of Nawada and the Sub-Deputy Magistrate had delivered judgment acquitting the accused on the 31st of that month.

2. A few days later Karmania and a companion carrying a basket of sweets and an earthen pot of ghee came to Nawada and there they were clearly on their way to the house of the Sub-Deputy Magistrate. They were met by a peon and a conversation took place with the peon as to the nature of which the evidence is entirely unreliable but that they did have the conversation with the peon about the ghee and sweets and that it related to a visit or proposed visit to the Sub-Deputy Magistrate's house is beyond doubt. The two men went to the Sub-Deputy Magistrate's house, were met by him and told him that they had brought the ghee and sweets for his children and told him that they had brought the ghee and sweets on the advice of the mukhtar. The Sub-Deputy Magistrate indignantly turned them out and sent for the mukhtar and in the presence of a gentleman of some position in the neighbourhood questioned the mukhtar as to what was the meaning of such extraordinary conduct on his part.

3. The mukhtar has in the inquiry which has been made by the Subdivisional Officer denied that he made the statements which the Sub-Deputy Magistrate and the gentleman I have mentioned attributed to him and which he must be taken to have made. 'First of all he in an abashed way seems to have told them that he had told the clients to bring the ghee and sweets but he told them to bring it for another official, the Sub-Registrar. After-wards he somewhat modified that statement and before the Subdivisional Officer he says that he never said anything of, the sort to these gentlemen but what he had said was that he had told his clients to bring ghee for his own (the mukhtar's) use. The Subdivisional Officer was entirely justified on that evidence in finding, as he did, that the conversation which really took place between the mukhtar and the Sub-Deputy Magistrate and the other witnesses was as those latter persons have described and not as the mukhtar describes and upon that finding he was justified, and we agree with his finding, in coming to the conclusion that the mukhtar had advised his clients that it might be a good thing after the conclusion of the case in which they had been acquitted to present some gratification to the Sub-Deputy Magistrate. Such conduct on the part of a mukhtar or any legal practitioner is obviously disgraceful. Perhaps it is not so bad as a direct approach to the judicial

officer with gifts before the case is tried but as an example of misconduct it is positively deplorable.

4. The mukhtar must in the circumstances be punished for the offence. He has been under suspension from 23rd September 1931 and he will continue under suspension until 23rd September next making one year which we think is ample punishment in the circumstances, he being, we are told, a young man and capable of learning better professional ways. (The judgment gave directions for expediting such cases arid closed).

Saiyid Fazl Ali, J.

5. I agree.

C.M. Agarwala, J.

6. I agree.

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