

MANU/BH/0097/1930

Equivalent Citation: AIR1930Pat493, 127Ind. Cas.561

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

Decided On: 02.07.1930

Appellants:**In Re: The District Judge**  
**Vs.**  
Respondent:**B, a Pleader**

**Hon'ble Judges/Coram:**

*Courtney Terrell, C.J., A.E. Scroope and Saiyid Fazl Ali, J.*

**JUDGMENT**

**Courtney Terrell, C.J.**

**1.** This is a reference by the District Judge of Manbhum-Sambalpur in relation to the conduct of a pleader B. The offence of which complaint is made by the learned District Judge is a breach of one of the rules (Rule 33), General Rules and Circular Orders which forbids a pleader without the leave of the Court from carrying on a business of engaging in trade.

**2.** The circumstances of this case are that some considerable time ago the pleader received permission to conduct a newspaper of which however a very few numbers appeared, and he gave notice from time to time of the press at which the newspaper would be printed.

**3.** On two or three occasions, however, he had to make a fresh announcement of the name of the press at which the newspaper was to be prepared by reason of the failure of the presses which he had at first determined upon. Ultimately he declared that a press known as the Victoria Press owned by a person named Trivedi would be employed to print the paper. It appears that later on he acquired this press from the owner and thereafter it became his own although the money which he had to spend on the purchase of this press with a somewhat meagre equipment seems to have been advanced to him partly by friends and partly by a lady who is a relative of his; and on two occasions when he had to give evidence before criminal Courts relating to the printing of circulars he stated in quite explicit terms that the circulars which were the subject of discussion in those particular cases had been printed by him at his press.

**4.** Later on in these proceedings he was called upon to show cause in respect of the carrying on of the press by him and the breach by him of Rule 33 to which I have referred. The offence itself was really of a very technical character. He had received permission to carry on the newspaper and it is possible that he may have thought that further permission to carry on his own press for the purpose of producing the newspaper was hardly required from the Court, and the nature of the offence with which he was charged was, as I have said, a technical one. But nonetheless it was a technical offence which would in any case have to be checked and quite definitely stopped. The real serious part of the charge against this pleader is that when he was called upon to show cause why his conduct should not be reported to the High Court,

he equivocated and stated that the press was not really his. He admitted that he was the de facto proprietor, but he imagined that he had some sort of defence if he could show that the de jure proprietorship was in the hands of somebody else.

**5.** Now he gave some very shuffling and evasive evidence before the learned District Judge who called upon him to show cause and his explanation was, to say the least of it, very disingenuous: instead of making a frank admission that he had committed a technical offence and asking for a lenient view to be taken of it, he told some unnecessary lies, and, as I have said, shuffled in a very discreditable manner, thereby gravely aggravating what might other-wise have been considered an offence of no great magnitude. And the serious point which we have had under consideration is whether a person who has not only committed an offence of this kind but has conducted himself in front of the District Judge in a way that leads one to lose any confidence in the man's honesty, is fit to carry on the profession of a pleader. We have seriously considered whether a person who has exhibited that moral character in connexion with such an offence is fit to be entrusted with the conduct of legal matters on behalf of his clients and fit to be a member of a reputable profession.

**6.** We have given the matter our very careful consideration and have decided that in the circumstances it would perhaps be too severe a punishment to deprive him for the rest of his career of the opportunity to lead an honest professional life. We recommend him to bear in mind the weight of responsibility of his profession and the need for the most scrupulous honesty in giving evidence in Court and that at present he exhibits a serious lack of such scrupulous honesty. The learned District Judge has stated that it is his intention to give directions that proceedings for perjury be taken against him.

**7.** After a very careful consideration, however, of the evidence which he gave in the former cases and the evidence which he has given in this case, we are disposed to say that in our opinion such proceedings for perjury will in the circumstances be unnecessary. But we feel that serious notice must be taken of the pleader's conduct, and therefore we decide to suspend him from practice for a period of two years.

**Saiyid Fazl Ali, J.**

**8.** I. agree.

**A.E. Scroope, J.**

I agree.

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