

In Re: a Mukhtar

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Court : Allahabad

Decided On : Aug-06-1919

Reported in : (1920)ILR42All86

Judge : Muhammad Rafiq, ;Stuart and ;Wallach, JJ.

Appellant : In Re: a Mukhtar

Judgement :

Muhammad Rafiq, Stuart, and Wallace, JJ.

1. A notice has been issued to the Mukhtar, by a Full Bench of this Court, on a report of the District Judge of Gorakhpur, dated the 17th of April, 1919, to show cause why the report made against him should not be accepted, and why proper orders should not be passed against him under Section 14 of the Legal Practitioners Act. The substance of the complaint is contained in the District Judge's report and the accompanying papers. It is that the mukhtar in question, who practised in the Criminal and Revenue Courts in the Kasia sub-division of Gorakhpur, had been grossly insulting to a Sub-divisional Officer in that court. The language objected to was contained in three letters, dated the 22nd of July, 31st of July and the 5th of August, 1918:

2. We have heard the learned vakil who represented the Mukhtar in question. He argued upon the wording of Sections 13 and 14 of Act XVIII of 1879 but in the main, confined his plea to a frank admission that the language used in these

letters was most improper, coupled with a submission for clemency on the ground that his client had 'been misled and betrayed into using the language of an improper kind, for which he felt genuine regret now that he had time to re-consider his position.

3. The suggestion that on the facts there is nothing which entitles us to take action under the provisions of Sections 13 and 14 of Act XVIII of 1879, cannot possibly be supported. The provisions of Section 13 (f) clearly cover the case, and it is unnecessary to discuss whether it would not also fall under the provisions of Section 13 (6). The facts are very simple.

4. The Mukhtar had applied to the Sub-divisional Officer for a copy of a judgment of acquittal. The record in which the judgment had been passed did not happen to be in the copying department of the Sub-divisional Officer of Kasia, and through no fault) of his, he was unable to supply a copy of that judgment). It was open to him to forward the application to the head-quarters of the Gorakhpur district, where the record had been transmitted in the ordinary course, and possibly it was his duty to have forwarded the application to head-quarters. It is not quite clear whether the rules of the Kasia courts had been properly posted up to date, but, in any circumstances, if the officer in charge of the copying department had directed, even without official authorization, that the Mukhtar should himself apply at the head-quarters for the copy, he would not have done anything serious, or anything which a reasonable person could take exception to. What he did. was this. He returned the application to the Mukhtar who refused to receive it. He sent it again to him by post. The Mukhtar again refused to receive it. Finally, the application was torn up. By this act the Mukhtar might have been put to a loss of some thirteen annas. On this the Mukhtar addressed the officer in charge of the copying department (the officer in question being the Sub-divisional Officer, a Deputy Collector and Magistrate of standing and position) a letter, the terms of which were deliberately insulting and offensive. ' He followed this up with an even worse letter, and ended that particular transaction by a third letter, which was the worst of the three. These letters would have been perfectly intolerable, if addressed by one private person to another private person, and it is difficult to understand how any man, holding the responsible position which attaches to members of the legal

profession, could have been so misguided as to write them.

5. The question remains how is this man to be dealt with

6. He will be suspended from practice for two years accordingly. At the same time he is warned to mend his ways when he returns to practice, as his next slip may be his last. The suspension will take place from the date of this orders and he will deposit his certificate of practice with the Registrar of the High Court within a week.

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