

Riyazuddin Vs. Bar Association

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Court : Allahabad

Decided On : Apr-25-1930

Reported in : AIR1930All796

Appellant : Riyazuddin

Respondent : Bar Association

Judgement :

Sulaiman, J.

1. This is an application in revision by Riyazuddin from an order of the District and Sessions Judge of Agra declaring him a tout. The notice to show cause was served on 18th December 1928 just a few days before the Xmas holidays commenced. The affidavit filed before us shows that on that date his child was seriously ill and died on 22nd December 1928. On the re-opening of the Court he applied on 2nd January 1929 for the issue of summonses to a number of witnesses including seven vakils who were practising in the District Court. There is no doubt that he applied rather late, but the delay is now explained by his affidavit. The learned Judge instead of issuing summonses and allowing the applicant to take the risk if they were not served in time declined to issue the summonses and directed him to produce affidavits from these vakils. It is quite obvious that the applicant had no power to compel these vakils to swear affidavits although he could have easily got them summoned as witnesses. As no affidavits were filed

the learned Judge on the resolution of the Bar Association declared him a tout on 3rd January. Subsequently he made an attempt to produce certificates of good character given to him by 32 vakils which he filed on 4th January. His request for a re-consideration of his case was refused. Even on the materials which were before the Judge it appeared that there were certificates of seven vakils granted to him in August 1928, just three months before the resolution of the Bar Association, Referring to the certificates the learned Judge remarked:

Apparently the resolution of the Bar Association relates to the activities of Riyazuddin subsequent to that date.

2. We think that sufficient opportunity was not given to the applicant to satisfy the Court that he was not a tout the summonses had been issued and they were not served on the vakils, the matter would have been different. As they were practising in the Court there was a good probability of some of these vakils being actually served. We accordingly allow this revision and set aside the order of the Court dated 3rd January 1929 passed against Riyazuddin. This order does not of course preclude any further proceedings being taken against him.

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