

**In Re: H, a Vakil**

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**SooperKanoon Citation :** [sooperkanoon.com/479801](http://sooperkanoon.com/479801)

**Court :** Allahabad

**Decided On :** Sep-28-1934

**Reported in :** AIR1935All321

**Appellant :** In Re: H, a Vakil

**Judgement :**

1. This is an application by T.H. who was on the roll of Vakils of this Court till he was disbarred on 25th June 1930. The applicant prays that in our exercise of the right of clemency we should order the restoration of his name to the roll of vakils. It was pointed out by a Bench of this Court in the matter of a pleader of Cawnpore that:

it has been held in a number of oases that although there is no express provision for a review of an order made under the Legal Practitioners Act, there is inherent power in the High Court to restore a pleader whose name has been struck off the rolls,

and several authorities were cited. In the present case the vakil was disbarred on 25th June 1930, because certain charges of professional misconduct were held to be established against him. The vakil applied for special leave to appeal to the Privy Council and while their Lordships refused to give leave they pointed out that it is desirable that where grave criminal charges are levelled against a legal practitioner criminal proceedings should precede the disciplinary action. The argument before us proceeds on the assumption that the decision of a Bench of

this Court was correct and that at the present moment the applicant prays for clemency only. He has filed a number of certificates including those from the Commissioner of the Jhansi Division, the District Magistrate of Banda, the Sessions and Subordinate Judge of Banda and the Munsif of Banda. He has also filed several testimonials from members of the bar practising at Allahabad and at Banda, and all these testimonials suggest that the applicant has been leading an honourable life and that he is thoroughly repentant of his past action.

2. It was pointed out in the case of a vakil of Gorakhpur, that when such certificates are filed they should be verified before the District Judge, but as in that case the members of the Bench were able from their personal knowledge to identify the signatures of several persons they did not send back the certificate to the District Judge. In this case also we are able to identify the signatures of most of the persons who have given testimonials to T.H. and we think it will be a waste of time if we were to send the certificates to the District Judge.

3. It is true that T.H. was disbarred on a former occasion, but clemency was shown to him even then and he was permitted to practise after a couple of years. We think that even now the vakil has been sufficiently punished and we hope he will lead an honourable life in future. We therefore allow this application, permit the vakil to resume his practice, and direct that he should be restored to the roll of vakils of this Court.