

**In Re: Advocate**

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**Court :** Kerala

**Decided On :** Feb-23-1970

**Reported in :** AIR1971Ker161

**Judge :** P.T. Raman Nayar, C.J.,; T.C. Raghavan and; K.K. Mathew, JJ.

**Acts :** [Advocates Act, 1961](#) - Sections 55; Legal Practitioners Act - Sections 12 and 13

**Appeal No. :** C.M.P. No. 15311 of 1969

**Appellant :** In Re: Advocate

**Disposition :** Petition dismissed

**Judgement :**

Raman Nayar, C.J.

1. Despite the absence of express provision like that in Sub-section (6) of Section 12 of the Indian Bar Councils Act, the High Courts have all along been exercising the power to direct the reinstatement of a pleader dismissed under Section 13 of the Legal Practitioners Act in view of his subsequent rehabilitation regarding the power as an inherent power. We should think that the power inheres in the disciplinary jurisdiction vested in the High Court by Sections 12 and 13 of the Legal Practitioners Act rather than in the jurisdiction to make rules for admission to the profession conferred by Section 6. That being so we are of the view that

Section 55 of the Advocates Act preserves this power of the High Court notwithstanding the repeal of Sections 12 and 13 of the Legal Practitioners Act by Section 50 (4) of the Advocates Act with effect from 1-9-1963 on which date Chapter V of that Act came into force. For, that section says that notwithstanding the repeal the 'disciplinary jurisdiction subsists as if 'there had been no repeal.

2. We do not however regard this as a fit case for the exercise of that power. The misconduct for which the petitioner herein was dismissed was so grave that we do not think that he should be readmitted to the profession. He was found guilty of having appeared for an accused person in a criminal case without any authority, on a forged vakalath, and with having pleaded guilty on behalf of the accused, paid the fine imposed, and obtained an order for the release of a motor lorry belonging to the accused which had been seized by the police in pursuance of which order the lorry was delivered to a rival claimant.

3. We dismiss this petition.

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