

In Re: a Pleader

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Court : Chennai

Decided On : Oct-05-1942

Reported in : (1942)2MLJ621

Appellant : In Re: a Pleader

Judgement :

Alfred Henry Lionel Leach, C.J.

1. The respondent is a pleader practising in the Bellary District. He was convicted by the Stationary Sub-Magistrate of Rayadrug of an offence under Section 228 of the Indian Penal Code and sentenced to pay a fine of Rs. 15, or in default to undergo simple imprisonment for a week. The nature of his offence was this. His client was in the witness box under cross-examination and he was tutoring her with regard to the answers she should give. He was warned by the Magistrate, but he persisted in his improper conduct. The conviction and sentence were concurred in by the District Magistrate of Bellary on appeal and by this Court in revision. As the result of this conviction the respondent has been charged with professional misconduct.

2. That he was guilty of gross professional misconduct is not now open to question. It is very improper for a legal practitioner to tutor a witness inside or outside Court and when the tutoring takes place in Court and in spite of warnings the professional misconduct is all the greater. The respondent has tendered an apology to this Court and has undertaken not to repeat his offence. His offence is,

however, so grave that we cannot allow the matter to end with a mere censure on him. We have taken into consideration his apology and his promise with regard to future behaviour, but his sanad will be suspended for one month from to-day.

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