

**In Re: S, a Pleader**

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**SooperKanoon Citation :** [sooperkanoon.com/812329](http://sooperkanoon.com/812329)

**Court :** Chennai

**Decided On :** Sep-08-1941

**Reported in :** AIR1941Mad905

**Appellant :** In Re: S, a Pleader

**Judgement :**

Leach, C.J.

1. The respondent 13 a pleader practising at Vellore. He has been charged with professional misconduct. He filed in Court three certificates to the effect that he had received from his client by way of fees Rs. 40, RS. 60 and Rs. 20 respectively.
2. He had not in fact received these fees and his certificates were false. The charge against him is in connexion with the filing of these certificates.
3. There is no dispute with regard to the facts, but the respondent pleads that there are extenuating circumstances. He had acted for this client for many years and he had kept a running account in respect of the work done for him. He had always been paid his fees and he had no reason to suppose that these sums would not be paid. It is certainly a very serious matter for a pleader or an advocate to file a false certificate with regard to fees. This Court had to draw attention to the seriousness of such conduct in a circular issued on 13th April J1939. In that circular the Court said that for a pleader or an advocate to file a fee certificate without having received the fee was most improper and the Court would take

strong disciplinary action in any case coming to its notice. This appears to be the first case which has been brought to the notice of the Court. It will be inadequate to pass a mere censure on the respondent as his offence is a very serious one but as there is something to be said for him in extenuation we consider that adequate punishment will be to suspend him from practice for a period of one month, and there will be an order accordingly. It must be clearly understood that the punishment which the Court has inflicted in this case is not to be taken as a guide with regard to the Court's action in the future. What is stated in the circular will be adhered to.

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