

In Re: Venugopal Nayudu

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SooperKanoon Citation : sooperkanoon.com/814380

Court : Chennai

Decided On : Jul-23-1925

Reported in : AIR1926Mad1044

Appellant : In Re: Venugopal Nayudu

Judgement :

ORDER

1. Petitioner who is a First Grade Pleader has been charged under Section 14 of the Legal Practitioners Act by the Sub-Divisional Magistrate, Pattukottah. He was engaged to represent the accused in a security case and all the charges against him, except one, alleged various acts of misconduct in relation to that case. These charges were made to the District Magistrate, Tanjore, by the Deputy Superintendent of Police, who suggested that proceedings should be taken against petitioner under the Legal Practitioners Act. In the result the Additional District Magistrate forwarded the police report to the Sub-Divisional Magistrate: Pattukottah for enquiry and the latter issued notice to petitioner under Section 14 of the Act. It is not quite clear what was in the mind of the Additional District Magistrate whether he intended that the Sub-Divisional Magistrate should himself dispose of the charges or whether his idea was that a sort of preliminary enquiry should be held and a report should be submitted with a view to possible future action by himself. From either point of view, he acted without jurisdiction. The Legal Practitioners Act makes no provision either for the transfer of proceedings or for the holding of a preliminary enquiry of such a nature. Mr. Jayarama Aiyar

contends that in any event most of the charges against his client cannot be enquired into as they relate to alleged acts of misconduct not committed in or in relation to the Court which proposes to enquire into them. That, we consider, is an objection that should more properly be taken before the District Magistrate, who will now proceed to deal with the matter himself. As, however, it has been taken here, we may as well dispose of it at once. The view relied on by Mr. Jayarama Iyer finds support in several decisions of the Patna High Court of which we may quote that reported in *Emperor v. Satyendra Nath Ray* [1920] 1 P.L.T. 379 as an example. The same view has been expressed by the Calcutta High Court in *In re Radha Nath Charan Chukerbutty* [1905] 4 C.L.J. 229. With great respect, we prefer to follow the ruling of the Calcutta High Court reported as *In re Rabindra Nath Chatterjee* A.I.R. 1922 Cal. 484. As pointed out by Woodroffe, J., and Mookerjee, J., Section 14 of the Legal Practitioners Act does not limit the consideration of a charge to the Court in which the misconduct is alleged to have been committed. To say that it does, is, we think, to read into Section 14 something that is not there.

2. The District Magistrate will now dispose of the report made to him in accordance with law, but we think it undesirable that proceedings for misconduct against the defence vakil should be taken before the security case against his client has been disposed of.