

In Re: Purna Chandra Dutt

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SooperKanoon Citation : sooperkanoon.com/851201

Court : Kolkata

Decided On : Jan-26-1903

Reported in : (1904)ILR31Cal44

Judge : Francis W. Maclean, C.J. and; Stevens, JJ.

Appellant : In Re: Purna Chandra Dutt

Judgement :

Francis W. Maclean, C.J.

1. This is a Rule directed to be issued by this Court, calling upon Babu Purna Chandra Dutt, a pleader of some twenty years' standing in the Calcutta Court of Small Causes, to show cause why he should not be suspended or dismissed for grossly improper conduct in the discharge of his professional duties.

2. The facts are these, and they lie in a nutshell. The opposite party acted as pleader on behalf of the plaintiffs in a certain suit, and in that suit they recovered a sum of Rs. 1,657. They gave this gentleman a power-of-attorney to draw out the money. He drew the money out of Court on the 18th of June; and it is quite clear that he applied that money to his own purpose. On the 31st of July, the clients applied for the money, and in reply to that demand he wrote a letter of that date, in which he says: 'With reference to the decretal amount in suit No. 4372 of 1903 decreed on 30th April 1902, the sum of Rs. 1,657-6 has been drawn by me on the 18th June 1902. I will pay you the same on Monday, the 3rd August, Kindly excuse

delay.' It is clear he had not then the money. I need not deal on detail, with what occurred subsequently it does not seem to bear directly on the matter. Put shortly, the amount was not paid, and the pleader gave a promissory note for the sum, and something which purported to be a security for its payment. He then wrote a letter on the 6th of August asking for mercy. Ultimately the clients brought an action for the money, and on the 28th August a decree was made against him. It is perfectly clear that, most unfortunately and most improperly the pleader took the money which is his client's money and kept it, and improperly appropriated to his own purpose. When he was asked on the 3rd of August to hand it over, it is clear he was not in a position to do so. In my opinion such conduct on the part of the pleader is grossly improper in the discharge of his professional duties.

3. We have been referred to the case of *In the matter of a Solicitor* (1895) 11 T.L.R. 169 in the High Court of England, in which, two learned Judges decided that the conduct of a solicitor, substantially identical with that of the pleader here, did not come under the head of professional misconduct. With great respect to the learned Judges who decided that case, I am not prepared to accept that proposition. At any rate what we have now to consider is whether, within the meaning of the statute which governs these matters in this country, the pleader's conduct here was grossly improper in the discharge of his professional duties. It would be disastrous, in the interests of the administration of Justice, in the interests of the public and in the interests of the legal profession itself, if we were to hold otherwise. The case is clearly established; and, as regards punishment, we are taking a not 'unmerciful view, based upon his previous record, in suspending the pleader for a year only.