

**In Re S.K.H.**

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**SooperKanoon Citation :** [sooperkanoon.com/855924](http://sooperkanoon.com/855924)

**Court :** Kolkata

**Decided On :** May-25-1907

**Reported in :** (1907)ILR34Cal729

**Judge :** Francis W. Maclean, C.J., ;Rampini, ;Harington, ;Mitra and ;Chitty, JJ.

**Appellant :** In Re S.K.H.

**Judgement :**

Francis W. Maclean, C.J.

1. (addressing Mr. H. who was present in Court). There can be no question upon the materials before the Court that you have been guilty of highly unprofessional conduct. It appears from your own letter of the 22nd of June 1904, that you made an arrangement with your client, Mrs. Moloney, without the intervention of any solicitor, to do work for her, at a fee of half of that which is the usual charge. I need hardly say, for it must be clear to every one, that that is quite unprofessional conduct, but the second charge against you, is of a much more serious nature-the charge which springs from your letter of the 6th of September, 1904. In that letter you say: 'In this case I have the offer to work professionally against you, and as the plaintiff of your case was settled by me, I do not like to accept the brief without giving you notice that unless you pay me my fee, 10 gold mohurs, for refusing the brief, I will take up the case against you as you have practically given me up.' It is conceded by yourself that ten gold mohurs was five times the fee to which you are entitled. The language of that letter, to my mind, conveys something very like a

threat, though I am not unmindful of the suggestion of Mr. Norton that what it really means is not a threat but that, as you had been thrown over, you ought to be given some compensation for refusing the brief on the other side. But whichever view one may take of the letter, I do not hesitate to say that it was a letter, that no member of the bar ought to have written to his client. It is suggested that as your practice has been mainly in the mofussit, you are not so acquainted with the strict etiquette of the Bar as you would have been, if practising here in Calcutta. That may afford some slight mitigation of your conduct, but it is no exouse. I should have thought that every member of the Bar, even the youngest, would have known that such a letter as this was of the most improper character, and, I am confident speaking as a member of the Bar of close upon forty years' standing, that I echo the sentiment of every member of the Calcutta Bar, when I say that such conduct as yours will certainly be condemned by every member of that Bar.

2. The only question is what punishment we ought to pass on. this your undoubted offence. I think we must mark our condemnation of your conduct by suspending you for a period: I do not know that the period of suspension is so important, for, be it short or long, the stigma attaching to any suspension is equally severe. I think we are taking a lenient, a very lenient, view of the case when we suspend you from practice for three calendar months.

**Eampini, J.**

3. I agree.

**Harrington, J.**

4. I agree.

**Mitra, J.**

5. I agree.

**Chitty, J.**

6. I agree.

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