

In Re: N., a Pleader

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Court : Kolkata

Decided On : Aug-19-1935

Reported in : AIR1935Cal742,159Ind.Cas.664

Judge : Guha and; Lodge, JJ.

Appellant : In Re: N., a Pleader

Judgement :

ORDER

1. The rule in this case was issued by the full Court under Section 12, Legal Practitioners Act (18 of 1879), calling upon N, a pleader practising at Sylhet, to show cause why he should not be suspended or dismissed on the ground that he had been convicted of offences implying a defect of character which unfits him to be a pleader. The pleader has not thought it fit to appear before us and show cause, in spite of notice served on him.

2. From the materials before us, it appears that the pleader was convicted thrice in connection with the last Civil Disobedience Movement. It Appears further that in one of the proceedings before the criminal Court, he stated before the Magistrate that had an Englishman sat in judgment over him, he would have made a statement; but that it was not only useless, but it was also painful to make a statement when one of his countrymen sat in judgment over him in connection with his activities in making his country free from foreign bondage. In another criminal proceeding he refused to take oath or to depose as a witness.

3. The case of a pleader convicted repeatedly for offences of a political nature has uniformly been dealt with severely by this Court. In the case before us, the pleader was not only convicted under Section 17(1) and (2), Criminal Law Amendment Act, but was convicted for having committed offences under Sections 124-A and 153. A, Penal Code, and was once found guilty of an offence under Section 178, Penal Code. These convictions entail severe action as they undoubtedly imply defect of character in a legal practitioner; in addition to that, in the case before us, the conduct of the pleader, as mentioned above, in connection with proceedings before the Court, must be taken to be highly reprehensible, and must accordingly be dealt with very severely.

4. In view of the facts and circumstances of the case before us, strong disciplinary action is called for; and we accordingly direct that the certificate issued to N to practise as a pleader be cancelled, and he be dismissed. The attitude of the pleader taken up in proceedings before Courts of justice and his conduct show that he has no faith in justice administered by Courts in this country. As was said in *Emperor v. Bimalananda Das*, 1924 Cal 329, if the faith of the pleader in British justice should even be restored, and if he would then apply for renewal of his certificate, the Court will deal with the matter on such materials as may be made available. The rule is made absolute.

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