

In Re: Chandra Benode Das

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Court : Kolkata

Decided On : Jan-26-1934

Reported in : AIR1934Cal808,152Ind.Cas.943

Appellant : In Re: Chandra Benode Das

Judgement :

Mallik, J.

1. This rule was issued on Babu Chandra Benode Das, a pleader of Sunamganj Munsif's Court in the District of Sylhet, to show cause why he should not be suspended or dismissed under the provisions of Section 12, Legal Practitioners' Act. The grounds on which the Rule was issued were that Babu Chandra Benode Das had been convicted by the Sub-divisional Officer of Sunamganj on 7th August 1930 Under Section 118, Criminal P. C, and directed to execute a bond for Rs. 500 with two sureties each in like amount, to be of good behaviour for one year and again by the Sub-divisional Officer, Sunamganj, on 26th February 1932 Under Section 17, Clause (2), Criminal Law Amendment Act, and sentenced to rigorous imprisonment for a year and a half and to pay a fine of Rs. 50, convictions which imply such a defect of character as would bring; him within the purview of Section 12, Legal Practitioners' Act. Babu Chandra Benode Das has not appeared before us. But by an explanation sent to us he has shown cause against this rule. The grounds which he has taken in his explanation are practically three in number. In the first place, he has contended that as his license has been renewed under the

order of the High Court no further action should be taken against him under the Legal Practitioners' Act ; secondly, that the order that was made against him binding him over on 7th August 1930 Under Section 118, Criminal P. C, was not a conviction for an offence ; and thirdly, that his conviction Under Section 17, Clause (2), of the Criminal Law Amendment Act, did not disclose any defect of character that would bring him within the purview of Section 12. As regards the first point taken by him all that I need observe is that it was at the instance of a Full Court that the present rule was issued after the order for renewal of license of Babu Chandra Benode had been made.

2. The second point taken by him in his explanation was that the order made Under Section 118, Criminal P. C, was not a conviction for an offence. That may be so. But there is no doubt that Babu Chandra Benode Das was convicted for an offence when he was convicted Under Section 17, Clause (2), of the Criminal Law Amendment Act. The question is whether that conviction in the circumstances of the case did disclose a defect of character as contemplated by Section 12, Legal Practitioners' Act. The conviction Under Section 17, Clause (2) took place on 26th February 1932 not very long after Babu Chandra Benode Das was released from jail where he had been sent in connexion with the order that had been, made Under Section 118, Criminal P. C, for having delivered seditious speeches in the month of June 1930 on several occasions at several places, speeches which were found to create hatred and enmity between classes. Taking all these circumstances together there can be no doubt that when Babu Chandra Benode Das assisted and promoted a meeting of an unlawful association for which he was ultimately convicted Under Section 17, Clause (2) of the Criminal Law Amendment Act, his action was nothing short of an open and defiant violation of law. Remembering that it is the duty of the Courts to enforce and maintain obedience to law and of the members of the legal profession to assist the Courts in doing so an open and defiant violation of law coming from a member of that legal profession was, in my judgment, such a defect of character as would unfit him to be a pleader. I am therefore convinced that Babu Chandra Benode Das made himself liable to action Under Section 12, Legal Practitioners' Act. I would accordingly make the rule absolute and regard being had to the circumstances of the case I would suspend him from practising as a pleader for six months from 1st February

1934.

Jack, J.

3. I agree.

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