

## APPELLATE CIVIL—FULL BENCH.

*Before Sir Murray Coutts Trotter, Kt., Chief Justice,  
Mr. Justice Wallace and Mr. Justice Beasley.*

*In re* A SECOND GRADE PLEADER.

1928,  
March 1.

*Legal Practitioners' Act (XVIII of 1879), sec. 13 (b) and (f)—  
Unfounded allegations of bribery by a practitioner against a  
judicial officer—Misconduct.*

Misconduct in a legal practitioner is not confined to the making of charges of corruption against a judicial officer, which he knows to be false. It is also misconduct to make charges, which he must know he has no reasonable prospect of substantiating. For misconduct of the latter kind, their Lordships suspended a second grade pleader from practice for two years.

PROCEEDINGS under section 13 (b) and (f) of the Legal Practitioners' Act (XVIII of 1879) calling upon a second grade pleader to show cause why he should not in the circumstances of the case be removed from the roll of pleaders or be otherwise dealt with as the High Court may think fit.

In support of an application for transfer of a criminal case pending before a Magistrate, the pleader in question swore to an affidavit that he witnessed the Magistrate receiving a bribe from the accused in the case. The High Court directed the District Judge to frame a charge against the pleader under section 13 (b) and (f) of the Legal Practitioners Act of having 'falsely made allegations of corruption against a judicial officer,' to hold an enquiry and to report to the High Court. The District Judge reported that though he disbelieved the story of the bribe as alleged by the pleader and one of the witnesses, he could not say that the falsity of the affidavit was satisfactorily established beyond reasonable doubt.

*Advocate-General (T. R. Venkatarama Sastri) for the Crown.*

*K. S. Krishnaswami Ayyangar (with T. B. Balagopalan)  
for the practitioner.*

The JUDGMENT of the Court was delivered by

COURTS TROTTER, C.J.—The pleader in this case is fortunate in that the District Judge has not actually found in terms that the story told by him is a deliberate concoction. He found that the story was extremely improbable but not demonstrated to be false. Had he so found, the pleader would have been struck off for life. But what is left is very serious. Here is a professional man, whose business it is to appraise evidence, launching a grave charge against a public judicial officer on materials which he must have known to be wholly inadequate to sustain it. At the last moment under pressure from this Court he brought forward in corroboration an alleged eye-witness of the bribe-taking whose evidence is transparently false. We wish to make it clear to the profession, if it does not already realize it, that it is misconduct for a professional man not only to make charges which he knows to be false but charges which he must know he has no reasonable prospect of substantiating. This pleader's sannad must be withheld till the end of 1929.

SECOND  
GRADE  
PLEADER,  
*In re.*

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COURTS  
TROTTER,  
C.J.

N.R.

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