

## SPECIAL BENCH.

Before Hon'ble E. H. Goodman Roberts, Chief Justice, Mr. Justice Baguley, and  
Mr. Justice Ba U.

1936

May 11.

## IN THE MATTER OF AN ADVOCATE.\*

*Advocate's misconduct—Conviction of offence—Moral turpitude—Removal from the roll of advocates—Application for readmission—Subsequent honourable conduct—Responsibilities of advocates—Requirements of justice.*

The position of an advocate in the High Court is one of great dignity and responsibility, and an advocate who is convicted of an offence involving moral turpitude, cannot, except in very exceptional circumstances, ever hope to be again admitted as an advocate and practise among learned members of the Bar. Advocates know that they are enrolled to fulfil the responsibilities of the office which they take up, and to rule otherwise would not only lessen the dignity of the Court and destroy the feeling which should exist in the community that justice is being administered, but it would be a new departure started by this Court before any other Court.

*Ba So* for the applicant. The applicant has atoned for his grave misconduct and has been living a respectable life as a journalist. People of position have recommended his readmission.

*In re Abiruddin Ahmed* (1); *In the matter of Mathura Prasad* (2); *In re An Advocate* (3).

GOODMAN ROBERTS, C.J.—We are all of the same opinion, namely, that this application must be dismissed. The applicant is an advocate who has been disbarred from practice, and is 42 years of age. He became an advocate on the 2nd January 1925. Subsequently a criminal charge was made against him and he was acquitted, but on the 6th September 1929 he was struck off the roll of advocates. It was a bad case, because in addition to the matters which were complained of there was a long standing matter which subsequently turned out to be a criminal

\* Civil Misc. Application No. 26 of 1936.

(1) I.L.R. 38 Cal. 309.

(2) I.L.R. 1 Pat. 684.

(3) I.L.R. 46 Mad. 903.

offence of cheating under section 420 of the Indian Penal Code, and we have read the judgment to see the circumstances under which that offence was committed. Now the position of an advocate in the High Court is one of great dignity and responsibility, and an advocate who is convicted of an offence involving moral turpitude cannot, except in very exceptional circumstances, ever hope to be again admitted as an advocate and practise among learned members at the Bar. Advocates know that they are enrolled to fulfil the responsibilities of the office which they take up, and to rule otherwise would not only lessen the dignity of the Court and destroy the feeling which should exist in the community that justice is being administered, but it would be a new departure started by this Court before any other Court. We have had other cases cited to us. They are not really in point in this matter. It is satisfactory to note that one who has been an advocate and has had these unfortunate chapters in his life is starting again and building up afresh in a position of trust amongst those who know him; and that he is believed among the public to be living a respectable life. If he can continue to do that it will be very satisfactory and we hope his efforts will be successful, but we are of opinion that he is not a proper person to be reinstated as an advocate of the High Court, and we therefore dismiss this application.

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AN  
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ROBERTS, C.J.

BAGULEY, J.—I agree.

BA U, J.—I agree.