

T
SLP(C)No. 7716 OF 2002

ITEM No.49

Court No. 1

SECTION XVII
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.7716/2002

(From the judgement and order dated 26/09/2001 in LPA 1075/2001
of The HIGH COURT OF PATNA)

MRITUNJAY PRASAD SINGH

Petitioner (s)

VERSUS

SUBHASH CHANDRA PANDEY

Respondent (s)

(With prayer for interim relief)

Date : 02/12/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner (s) Mr. P.N. Mishra, Sr. Adv.
M/s. T.N. Singh, S.N. Singh, V.K. Singh &
Mr. Shiam Narain Singh, Adv.

For Respondent (s) Mr. Navin Prakash, Adv.
Mr. Rahul Singh, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Heard the learned counsel for the parties for ten
minutes.

Leave granted.
The appeal is allowed.

.SP1

(Y.P.Dhamija)
Court Master

(Suneet Bala Sharma)
Assistant Registrar

Signed order is placed on the file.

.PA
.PL58

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO..7923/2002@@
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE
(arising out of SLP(C) NO.7716/2002)

Mritunjay Prasad SinghAppellant(s)

Vs.

Subhash Chandra Pandey & Ors. . . .Respondent(s)

O R D E R@@
EEEEEEEEEEEE

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Leave granted.

Heard Mr. P.N. Mishra for the appellant and the learned counsel appearing for the Public Service Commission. The appellant was the lawyer persuing the litigation on behalf of his client. The High Court under the impugned order has come to a conclusion that the party concerned has tried to play fraud not only on the Commission but also on the Court, and thereby abused the process of Court to get an appointment. For such criminal offence, the Court has directed to institute a criminal case not only against the person, who is alleged to have committed fraud but also against his lawyer, who was prosecuting the litigation. On examining the role of the alleged lawyer in the entire process, we are inclined to hold that the direction to proceed against the lawyer, who is the present appellant, is unsustainable. We, accordingly quash that part of the direction and allow this appeal.

.SP1

.....CJI.

.....J.@@
AA
(K.G.BALAKRISHNAN)@@
AAAAAAAAAAAAA

NEW DELHI,
December 2, 2002

.....J.
(S.B. SINHA)