

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 1966 OF 2004

PURSHOTTAM PRASAD MISRA

Appellant (s)

VERSUS

VIKAS MISRA

Respondent(s)

(With appln(s) for stay of investigation and arrest, exemption from
filing O.T., stay and office report)

Date: 23/11/2005 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. R.D. Upadhyay,Adv.

Mr. Syed Ali Ahmed,Adv.

Mr. Syed Tanweer Ahmed,Adv.

Mr. J.P. Tripathi,Adv.

Mr. G.G. Upadhyay,Adv.

For Respondent(s)

Mr. Shrish Kumar Misra,Adv.

Mr. V.P. Singh,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is allowed.

No costs.

[Alka Dudeja]

[Om Prakash]

Court Master

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1966 OF 2004

Purshottam Prasad Misra

...Appellant(s)

Versus

Vikas Misra

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

The State Bar Council of Uttar Pradesh, by its order dated 15th September,

2001, suspended the licence of the appellant for practising as advocate for a period of

five years and directed to file a First Information Report against the

appellant.

Against the said order, the appellant filed an appeal before the Bar Council of India

under Section 37 of the Advocates Act, 1961 [for short, 'the Act']. The Bar Council of

India has enhanced the punishment and directed that the name of appellant should be

removed from the roll of Advocates of Uttar Pradesh Bar Council. Learned counsel

appearing on behalf of the appellant submitted that the Bar Council of India had

enhanced the punishment without affording any opportunity to the appellant of being

heard as required under proviso to Section 37(2) of the Act. Undisputedly, no such

opportunity was afforded to the appellant before enhancing the punishment by the

Bar Council

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of India. This being the position, we are of the view that on this ground alone, the

impugned order passed by the Bar Council of India is fit to be set aside.

Accordingly, the appeal is allowed, impugned order passed by the Bar

Council of India is set aside and the matter is remanded to it to dispose of the appeal

in accordance with law after giving notice and opportunity of hearing to the appellant

as required under proviso to Section 37(2) of the Act.

No costs.

.....J.

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[B.N. AGRAWAL]

.....J.

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[A.K. MATHUR]

New Delhi,

November 23, 2005.