

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.6455/2001

RAM KISHORE ARYA

Appellant (s)

VERSUS

BAR COUNCIL OF INDIA  
(Prayer for interim relief)

Respondent (s)

Date : 19/11/2001 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Appellant (s)

Mr. Yunus Malik, Adv.  
for Mr. Prashant Chaudhary, Adv.

For Respondent (s)

Mr. Sanjeev Sachdeva, Adv.

UPON hearing counsel the Court made the following  
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The appeal is disposed of in terms of the signed order.

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Sarita (Radha Rani Bhatia)@@  
AA  
Court Master@@  
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(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6455 OF 2001@@  
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VERSUS

BAR COUNCIL OF INDIA

...RESPONDENT

O R D E R@@  
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The appellant was enrolled as an advocate by the U.P. State Bar Council on 20th March, 1994. A complaint was made against him that he was in employment as a partner of a firm and also a criminal case was pending against him, which two facts were not disclosed by the appellant in his application seeking enrolment as an advocate. The Bar Council of India, to which the proceedings were transferred, has found the allegations made against the appellant as correct and on the ground of non-disclosure of relevant facts, amounting to misrepresentation, has ordered the name of the appellant to be removed from the rolls of advocates.

Learned counsel for the appellant has submitted that the appellant was a partner in a firm, wherefrom he had resigned in the year 1993 and therefore, the Bar Council of India is not correct in forming an opinion  
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that the appellant was in employment on the date of seeking enrolment with the State Bar Council and that fact should have been disclosed. Similarly, it has been submitted that the criminal case was initiated on a private complaint and the proceedings in the criminal complaint were directed to be stayed by the High Court and subsequently, the criminal complaint itself has been dismissed, and therefore, the non-disclosure was not of any material fact.

Technically the Bar Council of India is right in holding that the factum of pendency of criminal prosecution should have been disclosed by the appellant in his application seeking enrolment, without regard to the nature of gravity of the offence. So far as the factum of the appellant being in business is concerned, learned counsel for the appellant submitted that the appellant did not have adequate opportunity of defending himself before the Bar Council of India and, therefore, documents showing his separation from partnership business could not be brought to the notice of the Bar Council of India.

In our opinion, it would meet the ends of justice if the appellant is allowed an opportunity of seeking  
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enrolment afresh with the State Bar Council, making a disclosure of all the relevant facts which application, if made, shall be decided by the Bar Council on its own merits, uninfluenced by the impugned order dated 3rd September, 2000 passed by the Bar Council of India. The

appeal be treated as disposed of in the above said terms.

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.....J.  
(R.C. LAHOTI)

New Delhi,  
November 19, 2001.

.....J.  
(BRIJESH KUMAR)