

In the Matter of P. Ramanujachari Advocate, High Court, Madras

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Court : Chennai

Decided On : Sep-24-1951

Reported in : AIR1952Mad149; (1951)IIMLJ661

Judge : Rajamannar, C.J., ;Chandra Reddi and ;Venkatarama Ayyar, JJ.

Appeal No. : Referred Case No. 29 of 1951

Appellant : In the Matter of P. Ramanujachari Advocate, High Court, Madras;n. Krishnaswami Nayudu

Judgement :

Rajamannar, C.J.

1. There were two charges against the respondent, who is an advocate of this Court; they ran as follows:

'(1) that you Mr. P. Ramanujachari, being an advocate of the High court of Judicature at Madras represented to Mr. N. Krishnaswami Nayudu that one Balamukundoss, your client had full title to a property 'Amir Bagh' in Mangadu village, Wali-ajah Taiuk, thereby induced the complainant abovenamed to agree to purchase it and received from him in or about April and May 1947 a sum of Rs. 2,000 first as advance and later another sum of Rs. 2,000 and again another sum of Rs. 250 towards remuneration with full knowledge that the said representations were made by you falsely with fraudulent and dishonest intention; (2) that the sum of Rs. 2,000 received by you on the second occasion for and on behalf of Balamukundoss had not been paid by you to the said Balamukundoss and that you have misappropriated the same dishonestly and fraudulently and that therefore a decree has been obtained against you in C. S. No. 297 of 1947, High Court, Madras.' After the respondent had filed his statement, the enquiry before the Bar Council was being adjourned from time to time and eventually on 19th March 1951, the complainant's advocate represented that he was not ready with his evidence and that his client proposed to withdraw the complaint. The enquiry was then adjourned to 4th April 1951 on which date both the complainant and the respondent were absent and finally on 16th April 1951 the complainant appeared along with his advocate and the advocate stated that the complainant does not desire to proceed with the enquiry as he considered that he could not substantiate the charges made by him. On 26th April 1951 the Tribunal of the Bar Council reported that the proceedings should be dropped against the respondent as the further continuance of the enquiry was likely to be fruitless and as evidence may not be available.

2. We cannot agree with the Tribunal's view of the matter. It may be that the complainant has chosen to withdraw the complaint made by him for reasons of his

own. A mere statement by him that he could not substantiate the charges against the respondent cannot be accepted, especially having regard to the considered judgment of pancha-pagesa Sastry J. in 'C. S. No. 2S7 of 1947' in which the learned Judge had an opportunity of examining the entire evidence on the matter and it is common ground that the present proceedings are intimately connected with the proceedings in that suit. On the finding of the learned Judge in that case, we find it impossible to agree with the Tribunal that the two charges against the respondent cannot be substantiated. We wish to say no more at this stage which may prejudice the respondent in any manner. All that we propose to say now is that this is not a matter in which the proceedings should be dropped against the respondent merely because the complainant has chosen to withdraw the complaint. We cannot accept the report of the Tribunal and we direct the complaint to be kept on the file and an enquiry to be made by the Tribunal. If the complainant is not willing to conduct the proceedings the Tribunal can appoint an advocate Co conduct the proceedings against the respondent.

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