

**(1933) 07 CAL CK 0001**

**Calcutta High Court**

**Case No:** None

Emperor

APPELLANT

Vs

P., A

RESPONDENT

---

**Date of Decision:** July 27, 1933

**Citation:** AIR 1934 Cal 272

---

### **Judgement**

1. On the facts of the case we are not inclined to accept the recommendation made by the learned District Judge for suspension of the pleader concerned. The facts of the case as also the decision recorded by the learned Judge make it clear that the misconduct for which the pleader was charged rendered him liable to criminal prosecution. In consonance with the view taken by this Court in cases of this description, we hold that where the allegation against a legal practitioner amounted to a charge of criminal prosecution, the correct procedure to be followed is that these proceedings should not be taken but that, if it was thought necessary to take action, it should be by way of criminal prosecution. We are clearly of opinion that the facts and circumstances of the case as they appear from the materials placed before us, do not justify institution of criminal proceedings against the pleader. In our judgment the proceedings initiated by the learned District Judge under the Legal Practitioners' Act in the case before us should not have been started at all; and in that view the Reference is rejected. It is stated to us that the pleader concerned is already under suspension under orders of the learned District Judge. The ad-interim order of suspension made by the learned Judge is cancelled.