

Court No. - 40

Case :- WRIT - C No. - 27919 of 2024

Petitioner :- Sant Ram Rathore

Respondent :- Up Bar Council Allahabad And Another

Counsel for Petitioner :- Ashok Kumar Rai, Pavan Kumar Pandey, Sr. Advocate

Counsel for Respondent :- Ashok Kumar Tiwari

Hon'ble Shekhar B. Saraf, J.

Hon'ble Manjive Shukla, J.

1. Heard Sri Mangala P. Rai, learned Senior Advocate assisted by Sri Ashok Kumar Rai, learned counsel appearing for the petitioner, Sri Ashok Kumar Tiwari, learned counsel appearing for Respondent No. 1 and perused the materials available on record.

2. This is a writ petition filed under Article 226 of the Constitution of India wherein the petitioner is aggrieved by an order dated July 3, 2024 passed by the Uttar Pradesh Bar Council directing the petitioner not to practise in any Court of District Pilibhit for the period of one year. It is to be noted that the same matter was taken up by the Coordinate Bench of this Court in Contempt Application (Criminal) No. 16 of 2023 wherein the Division Bench had held as follows:

"6. Sri Sudhil Mehrotra appearing for the Court has obtained instructions according to which the Presiding Judge is presently functioning as Additional Chief Judicial Magistrate-II. The concerned Presiding Judge has mentioned that contemnor appeared before him on 26.10.2023 at 3.15 p.m. and tendered his apology. The Presiding Judge has shown benevolence and respecting the high values and virtues of the court and for maintaining cordial relationship between bar and bench he has accepted the apology tendered by the contemnor. Since the Presiding Judge accepted the apology tendered by the contemnor, we are not inclined to proceed any further in the present contempt proceedings.

7. Before concluding, we may note that contempt proceedings were initiated against the contemnor on two previous occasions also and, therefore, this is the third occasion when such an incident has occurred. We, therefore, caution the contemnor to remain careful in future and his conduct will remain under watch of the concerned District Judge for a period of two years. We also make it clear that any further act of contempt on the part of the opposite party will not be viewed with leniency and he shall be dealt with sternly.

8. *Subject to the observations made above, the contempt proceedings are consigned to record.*

9. *Copy of this order shall be sent to the District Judge, Pilibhit.*

10. *The contemnor shall be allowed to enter the court premises and resume his practice."*

3. Subsequent to passing of this order on November 20, 2023, Bar Council of U.P. in-spite of being aware of Division Bench order, has proceeded with the disciplinary proceedings against the petitioner and passed the order on July 3, 2024.

4. Upon considering the facts and circumstances of the case, we are of the view that once the coordinate Bench of this Court has accepted the apology tendered by the contemnor and dropped the contempt proceedings against him, the matter should have ended there. It is to be further seen that the petitioner specifically was allowed to enter the court premises and resume his practice. Subsequent to the said order passed by the Division Bench, we see no reason for the respondent-authority to continue with the disciplinary proceedings against the petitioner and pass order prohibiting him for practicing in the Court.

5. Needless to mention that if the petitioner had once again committed any misconduct, action could have been taken, however for the same misconduct which has been condoned by the High Court, further proceedings should not have been continued by the Bar Council.

6. In light of the same, impugned order dated July 3, 2024 passed by the Uttar Pradesh Bar Council, is quashed and is set-aside.

7. We make it clear that in the event, petitioner once again commits any misconduct, the Bar Council of U.P. shall be at liberty to act in accordance with law.

8. With the aforesaid direction, this writ petition is ***disposed of***.

Order Date :- 10.9.2024

A. Mandhani

(Manjive Shukla, J.) (Shekhar B. Saraf, J.)