

The Disciplinary Committee of the Bar Council of India

B.C.I. Tr. Case No. 59/2024

Smt. Geeta Sahu

Complainant

Vs

Nitin Kumar Saxena

Respondent

Committee:

Chairman: Mr. Rami Reddy, Advocate

Member: Dr. Amit K. Vaid, Advocate

Co-opted Member: Mr. Rakesh Kumar Acharya, Advocate

Judgement Reserved on 10.8.2024

Judgement Pronounced on 30.8.2024

This order shall dispose of the review application filed by the applicant against the order dated 21.6.23 passed by Bar Council of Uttar Pradesh in which the license of applicant was suspended for the period of five years. While raising the alleged error committed by Bar Council of Uttar Pradesh, applicants submits that a false complaint was filed by the complainant.

It is further alleged that the transaction is related to for the period of 2015, 2017 and 2018, Whereas, he was enrolled in the year 2020, vide Registration No. U.P. 9536/2020.

The main allegations as raised by the complainant in her complaint is that the respondent advocate has committed fraud and received a huge amount from the son of the complainant. It is further alleged by the complainant that respondent is interfering in the family life of the complainant and her son. It is further alleged that respondent advocate is misusing his status as an advocate and he is in habit of giving ill advise to the daughter-in-law of the complainant. Daughter-in-law of the complainant has filed false cases against the complainant and her son at the instance of respondent advocate.

From the above pleadings, the following for consideration before this committee are:

A-Does the Bar Council of Uttar Pradesh have the authority to adjudicate on actions allegedly committed before the Advocate's enrolment?

B-How has the Advocates Act, 1961 been interpreted by the Bar Council of Uttar Pradesh cases concerning jurisdiction ?

This committee is of the opinion that both the points are taken up together and from the perusal of record and the findings by the Bar Council of Uttar Pradesh is related to for the period started from 04.04.2017 to 20.9.2018 and to substantiate the same complainant has annexed the bank statement of Axis Bank, Varanasi, Uttar Pradesh.



It is evident from the statement of accounts that the observations made by the Bar council of Uttar Pradesh is for the same period as state supra and referred in complainant. There was no police complaint or any other complaint by the complainant or her son regarding the mischief as alleged in her complaint by the complainant to any authority.

The present complaint was filed in the year 2022, whereas the alleged transaction is related to for the period of 2017 to 2018. Complainant failed to utter a single word regarding the delay and latches in her complaint and the present complaint is filed after the enrolment of the respondent advocate as an advocate. The amount as reflected in order dated 21.6.2023, and, as alleged in her complaint doesn't match in any manner.

The Bar Council of Uttar Pradesh has ignored this vital fact that respondent advocate was not an advocate during that period of alleged transaction, hence, they have committed gross errors while passing the impugned order 21.6.2023. Bar Council of Uttar Pradesh is having no jurisdiction to entertain the present complaint as Respondent advocate was not enrolled as an advocate as observed Supra. Hence, the order passed by Bar Council of Uttar Pradesh in CC No. 267/2022 is set aside and Review Petition is allowed.

Record of the State Bar Council of Uttar Pradesh be sent back alongwith this order.

**Sd/-
Chairman**

**Sd/-
Member**

**Sd/-
Member**



Certified to a True Copy


**Registrar
Disciplinary Committee
Bar Council of India**