

(1963) 03 AP CK 0019
In the Andhra Pradesh High Court

Chenna Reddi Veera Reddi and Another	APPELLANT
Vs	
Chillakuru Rama Chandra Reddi and Another	RESPONDENT

Date of Decision : 21-03-1963

Acts Referred:

Advocates Act, 1961 — Section 30, 32, 7

Citation : (1964) CriLJ 89

Hon'ble Judges : Mohammed Mirza, J

Bench : Single Bench

Judgement

Mohammed Mirza, J.—The petitioners being aggrieved by the order of the Judicial Mind Class Magistrate, Gudur, promoting the 2nd petitioner herein to appear as an advocate on behalf of the 1st petitioner in P. R. C. No. 2/62 have comes up in revision before this Court.

2. The learned Counsel for the petitioners has contended that the Court of inquiry has committed an error in applying Sections 30 and 32 of the Advocates Act in prohibiting the said Advocate of Nellore to appear on behalf of the 1st petitioner and further that it was not a case where the Court should have exercised its inherent power, I think the contention of the learned Counsel is justified-. Sections 30 and 32 under which the learned Magistrate is purported to have acted are not applicable and the Court has no power to prohibit, the appearance of any, advocate under the said sections of the Advocates Act The Bar Council is an autonomous body and Section 7 of the-said Act makes it clear that the Bar Council constituted under the Act shall lay down standards of professional. 1 conduct and etiquette for advocates and, therefore, that Court was not justified in exercising its inherent powers. It appears that the 1st petitioner and the respondent had engaged the services of the 2nd petitioner in the initial, proceedings taken against them. Till then it is evident that the interests of the 1st petitioner and the respondent were not in conflict. It is not clear at what stags the conflict arose and the interests of both the persona became opposed to each other. In any case, I think it-should be left to the

judgment of the Advocate himself whether it would be in the best traditions of the profession to continue to conduct the case even if it becomes objectionable to the party who alleges that his interests would be adversely affected by his appearance.

Advocates are members of a highly honourable and learned profession and it is expected that they would do nothing which would adversely affect the reputation and good name of the profession to which they belong." On ethical and professional grounds if it appears that continuance on the part of an advocate in a case is liable to objection, I have reason to hope and trust that in that event he would dissociate himself keeping in view the highest traditions of the profession. Interference by the courts in the matter of regulation of conduct of the advocates should be, in my opinion, only in very exceptional circumstances and the courts must desist from any action which is likely to injure or jeopardize the interests of the profession. I leave it to the advocate concerned to judge for himself whether it would be proper for him to continue to conduct the case on behalf of the 1st petitioner.

3. Mr. Subba Reddy, the learned Counsel for the respondent takes his stand on Public Prosecutor, Andhra Pradesh Vs. Kothakapu Etreddy Venkata Reddi and Others, and contends that the Court, in order to maintain the highest traditions of the bar and the profession, should preclude the advocates from appearing for the opposite party if that is likely to embarrass the advocate or raise a suspicion in the mind of the client with respect to the conduct of erstwhile advocate or that it is not gentlemanly conduct or that it is improper to do so, or the circumstances are such from which an inference of importing of confidential nature of information can be raised. The observations of the learned Judges in the above cited cases, certainly should serve as guiding principles for the members of the profession. But now since the coming into force of Advocates Act the situation has changed, these principles should be followed by the advocates themselves and acted upon without any direction of the Court.

4. With these observations, the order of the learned Magistrate prohibiting the 2nd petitioner from appearing as an advocate on behalf of the 1st petitioner is set aside.