

(1921) 06 CAL CK 0017
In the Calcutta High Court

Keramat Ali

APPELLANT

Vs

Emperor

RESPONDENT

Date of Decision : 10-06-1921

Acts Referred:

Legal Practitioners Act, 1879 — Section 3, 36

Citation : 62 Ind. Cas. 829

Hon'ble Judges : Panton, J;N.R. Chatterjea, J

Bench : Division Bench

Judgement

1. This is a Rule calling upon the Deputy Commissioner of Cachar to show cause why his order, forbidding the petitioner to enter the precincts of the Court as being a tout, should not be set aside.
2. It does not appear that there were proper proceedings u/s 36 of the Legal Practitioners Act. The petitioner, however, was allowed to adduce evidence, and the question for consideration was whether he is tout.
3. A tout is defined in Section 3 of the Legal Practitioners Act as meaning a person who procures the employment in any legal business of any legal practitioner in consideration of any remuneration moving from such practitioner, or proposes to a legal practitioner to procure his employment in any legal business in consideration of such remuneration. All that the evidence in the case shows, is that the petitioner looks after people's cases and writes petitions for them. We do not think that looking after people's cases and writing petitions for them makes one a tout. It must be proved that he procures the employment in any legal business of any legal practitioner in consideration of any remuneration moving from such practitioner in order that he may be declared a tout.
4. We ought to mention that the learned Senior Government Pleader could not support the order of the learned Deputy Commissioner.
5. Under the circumstances, the order must be set aside.