The Disciplinary Committee of the Bar Council of India

D.C. Appeal No. 69/2022
(Stay Petition No. 38/2022 &
Delay Petition No. 23/2022)

Manoj Kumar Singh — Appellant/Petitioner

VS.

Bar Council of Uttar Pradesh — Respondent

COMMITTEE

Chairman :Shri Dilip K. Patel
Member :Shri Suresh Chandra Shrimali

PROCEEDINGS/30.12.2022

The Committee has carefully examined the two orders dated 14.8.2020 and 23.2.2020. The petition filed by the petitioner for review of the order before the Disciplinary Committee of the State Bar Council has been refused by the Disciplinary Committee vide order dated 14.8.2020 only on technical grounds of not filing a separate petition of limitation for condonation of delay.

The impugned order dated 23.2.2020 is very cryptic and non-speaking order. Even though the petitioner did not appear before the Disciplinary Committee, the Disciplinary Committee was expected to apply its mind to the complaint, and was supposed to deal with the evidence on record and then to pass a detailed order; particularly when the Disciplinary Committee proposed to pass an order of severe punishment of suspension of licence of practice for a long period of 10 years.

One of the grounds taken by the petitioner in the memo of appeal is that the complainant was/is a clerk in the office of State Bar Council and he prevailed upon the members. It is further stated that except the vague and bald statements of the complainant, there is absolutely no legal evidence on record to support and prove the allegations made in the complaint petition.

Considering the aforementioned facts and circumstances, this Committee prima-facie finds it to be case for stay of the operation of the impugned order.

Issue notice to the parties on hearing appeal on merits as well as on the question of limitation. Call for original records.

During the pendency of the appeal, the operation of the impugned orders shall remain stayed.

The office is directed to place the present case before the regular Disciplinary Committee after receiving the original record from the State Bar Council in the first week of April, 2023.

THE DISCIPLINARY COMMITTEE OF THE BAR COUNCIL OF INDIA NEW DELHI

Sd/-
CHAIRMAN

Sd/-
MEMBER

CERTIFIED TO BE A TRUE COPY
REGISTRAR,
DISCIPLINARY COMMITTEE,
BAR COUNCIL OF INDIA
NEW DELHI