

The Bar Council of Uttar Pradesh, Prayagraj

COMPLAINT No. 267 of 22

DISCIPLINARY COMMITTEE CASE No. 287 of 2022

Smt. Geeta Sahu W/o Raj Kumar Gupta R/o S-10/245A Hukul Ganj,
Baghwanala P/s Lalpur Distt. Varanasi.

.....Complainant

Verses

Nitin Kumar Saxena Advocate S/o Umesh Chandra Saxena R/o 618/2
Head Post Office Sahab Nagar Distt. Firozabad Current Address 268A
Stanely Road Mamford Ganj Distt. Prayagraj. Reg. No. UP 09536/2020
Advocate Roll No. A/N0479/2021

.....Opp. Party

Judgement

The Complainant Smt. Geeta Sahu filed this complaint on dated 21.10.2022 with her affidavit on the ground that the complainant's son Himanshu Gupta was got married with Rini Sahu in 2016. After sometime a matrimonial dispute arises between Rini Sahu (Daughter in law) & her son and other family members. The opposite party Nitin Saxena Advocate came from the maternal site and make unnecessary interference in complainant family matter with a wrong intention. Rini Sahu started insisting on her husband Himanshu Kumar at the behest of Nitin Saxena that if you people consider me as your daughter in law, then first of all by a land in Allahabad city and get a house built. Being forced by Rini Sahu, complainant's son agreed in year 2018 to by a land in Allahabad city. Rini Sahu told the complainant's son that Nitin Saxena also does work of getting land in Allahabad city. Then my son asked Nitin Saxena to get land in Allahabad



city. Nitin Saxena gave him a Photocopy of sale deed related to the plot in Gata No. 7 Mauja Chak Dadan Tehsil Sadar Distt. Allahabad which was in name of Smt. Shantwana Singh and Nitin Saxena said that he is known to Ajay Pratap Singh a close relative of Shantwana Singh. The whole price of land is 35 lack. Nitin Saxena asked to Himanshu to make immediate transfer of Rs. 35 Lack to the owner Shantwana Singh's account no. 911010039160311. On the repeated pressure of my daughter in law at the behest of Nitin Saxena Advocate, my son Himanshu Kumar transfer the amount of Rs. 05 Lack on dated 07.03.2019 and Rs. 02 Lack on dated 08.03.2019 in the said account of Smt. Shantwana Singh from his Axis Bank Account No. 913010028748821, Branch Varanasi Distt. Varanasi and around 2.5 Lack was transferred in the account of Nitin Saxena Advocate on various dates and Rs. 2 Lack was also given in Cash to Nitin Saxena Advocate.

After this, Nitin Saxena and Ajay Pratap Singh said that you first deposit the remaining amount of Rs. 24 Lack in the account of Shantwana Singh then we will go to registry. In reply Himanshu said that he will pay the rest consideration/amount at the time of sale deed not in advance. From this Nitin Saxena started conspiring against my son by using his cunning mind Nitin Saxena insisted to Rini Sahu to create a pressure by filing a false cases of dowry, domestic violence and 125 CR.P.C. Nitin Saxena also threatened to ruin my son and sent him to jail. Since then Nitin Saxena and Rini Sahu conspired to exploit my son. At the time of bail Nitin Saxena threatened my son in the court premises and also to forget the money. The complainant filed a bank statement of her son Himanshu Kumar account no.

913010028748821 as annexure no. 1 and a photocopy of complaint to



S.S.P., a Legal Notice as annexure no. 2 and a photocopy of sale deed as annexure no. 3.

The opposite party/ Advocate after notice, appeared either himself or through his counsel and filed his written statement/objection and denied all the allegation leveled by complainant against him.

The opposite party said in his para 2 of his written statement that the opposite party and complainant's son Himanshu Kumar was a former friends and both of them used to visit each others house. Both of them studied together. Complainant's son was got his job and opposite party was preparing for Judicial services exam and practiced in Hon'ble High Court at Allahabad. He also denied to get money from complainant's son Himanshu Kumar.

On dated 20.05.2023 the following issue framed for the disposal of present complainant:-

1. Whether the opposite party/ Advocate has committed any professional or other misconduct. If so what is the effect?

After framing of issue the complainant filed an evidence of his son Himanshu Kumar on affidavit dated 03.06.2023 with supported documents.

We the disciplinary committee carefully gone through the averments made by both parties concerned in the present complaint. After perusal of complaint as filed by complainant supported with affidavit and other material evidences as annexure no. 3 i.e. bank statement, clearly shows that the complainant's son Himanshu Kumar transferred the money in different amount at different dates in the account of Nitin Saxena Advocate/Opposite party. The following amount was transferred in the account of opposite parties by complainant's son:-



| | |
|----------|-------|
| 04.04.17 | 3000 |
| 29.06.17 | 12000 |
| 12.07.17 | 25000 |
| 16.08.17 | 10000 |
| 30.08.17 | 5000 |
| 04.09.17 | 5000 |
| 22.09.17 | 6000 |
| 28.09.17 | 5000 |
| 07.10.17 | 2000 |
| 13.10.17 | 15000 |
| 13.10.17 | 10000 |
| 25.11.17 | 2000 |
| 05.12.17 | 6000 |
| 18.12.17 | 2000 |
| 16.02.18 | 10000 |
| 17.02.18 | 10000 |
| 19.03.18 | 5000 |
| 17.04.18 | 40000 |
| 31.05.18 | 20000 |
| 20.09.18 | 10000 |

The opposite party admitted the fact that he was the mediator to resolve the dispute between Rini Sahu and Himanshu Kumar. The opposite party did not give any explanation regarding the transactions done in his account. He did not give any explanation that for what purpose he get money from Himanshu Kumar. He also did not denied that the account, does not belong to him in which the money transferred. The opposite party also did



not said any thing about allegation of threatening the complainant's son in court premises and did not rebut this allegation.

The opposite party was got the money transferred in his account from the account of Himashu Kumar while he was not his Advocate/Counsel. So it can not be said that the said money was his fees. Threatened the complainant's son in court premises is very serious conduct of opposite party.

We the Disciplinary committee in considered view reached into consideration that opposite party is found guilty of professional/other misconduct U/s 35 of Advocates Act 1961.

Order

Hence the opposite party/Nitin Saxena Advocate is suspended from practice for a period of 5 years and during the period of suspension opposite party Nitin Saxena, Advocate bearing enrollment No. UP 09536/2020 shall not be entitled to appear before any Court of Law, Tribunal or Authority in all over India.

Office is directed to communicate copy of this order to the Registrar General, Allahabad High Court Allahabad, The President, High Court Bar Association, Allahabad & The District Judge, Prayagraj, for information and necessary action.

Date 21/06/23

Sd

Sd

Sd



TRUE COPY

Section Officer
DISCIPLINARY COMMITTEE
BAR COUNCIL OF U.P., PRAYAGRAJ