

*Judgment of the Lords of the Judicial Committee  
of the Privy Council on the Appeal of Babu  
Parbati Charan Chatterji, from the High  
Court of Judicature for the North-Western  
Provinces, Allahabad; delivered 20th June  
1895.*

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Present :

LORD WATSON.

LORD MORRIS.

SIR RICHARD COUCH.

[*Delivered by Lord Morris.*]

THE facts giving rise to this case are few in number. It appears that the Appellant, who was enrolled as a Vakil of the High Court in 1891, procured to be printed and forwarded a circular letter, in October 1892, to, amongst other persons, a Mr. Newton, a Vakil of the High Court, who was practising in that capacity in the District Court of Meerut. The letter addressed to Mr. Newton was in the following terms:—

“ Allahabad,

“ Dated 10th October, 1892.

“ FROM PARBATI CHARAN CHATTERJI,

“ Vakil, High Court,

Allahabad.

“ TO E. A. NEWTON, ESQ.,

“ Vakil, High Court,

Meerut.

“ (Private and confidential.)

“ DEAR SIR,

“ I hope you will pardon me for taking the liberty  
“ thus to address you privately and confidentially for co-  
“ operation in a matter of business which may, if you agree  
“ with me, be calculated to promote our mutual interest.

“ Without intending to boast, I venture to say that, as a  
“ Vakil of the High Court, I claim the credit of working very  
“ hard in the interests of my clients whose cases are filed by  
“ me in the High Court. Being a High Court Vakil your-

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“ self, now practising in the District Court, you can, if you  
 “ choose, very easily send your clients' cases, both civil and  
 “ criminal, which are fit to be filed in the High Court, to me  
 “ with a brief statement of the same, whenever necessary, and  
 “ I shall undertake to conduct the same here. You may, I  
 “ hope, find this course more businesslike and beneficial than  
 “ the other one of allowing your clients to drift as they like  
 “ after a case is lost in the Lower Courts.

“ As a remuneration for your labours, I undertake to  
 “ share with yourself, being a High Court Vakil, the fees  
 “ which may be paid by your clients to me; but the fees  
 “ ought to be settled beforehand in almost every case so far as  
 “ possible, so that we may know whether a particular case  
 “ will pay our joint exertions or not.

\*[“ If you are a District Court Pleader, the law, I think,  
 “ prohibits me from sharing the fees of a High Court case  
 “ with yourself.

“ In that event arrangement may be made in every case  
 “ with clients to pay you separately for your labour in  
 “ preparing briefs, &c., in the case.]

“ If you approve of the suggestions made in this private  
 “ letter and intend actually to co-operate, I shall feel obliged  
 “ by your signifying your intentions to me as early as you find  
 “ convenient to do so.

“ Lastly I request you to treat this letter as strictly private  
 “ and confidential.

“ Yours faithfully,

“ P. C. Chatterji,

“ Vakil, High Court.

“ ‘ By mutual consent and mutual aid,

“ ‘ Great deeds are achieved and discoveries made.’ ”

“ (Private and confidential.) ”

Their Lordships do not think it necessary to go in detail into the matter, because they entirely agree with the conclusions arrived at by the High Court, namely, that the letter was within section 36 of Act No. XVIII. of 1879.

Their Lordships also concur substantially in the conclusions arrived at by the High Court as regards the conduct of the Appellant in having, at first, endeavoured to deny his signature to that letter, and also as regards the circumstances connected with the prosecution of the case before them.

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\* Inasmuch as Mr. Newton was a Vakil of the High Court, the words in the circular letter which are in brackets were struck out of the letter sent to him.

The only question which remains to be considered, is as to the amount of punishment inflicted by the High Court. The High Court directed the Appellant to be struck off the Roll of Vakils, and to return his certificate to the Registrar of the High Court. Their Lordships have come to the conclusion that this punishment may properly be mitigated. It is plain that the Appellant in writing the letter thought that he was keeping within the law. He evidently wanted to go as close to the limits of the law as he possibly could without violating its provisions. This is shown by the fact that the bracketed paragraphs in the letter were to be struck out or retained according as the letter was addressed to a Vakil of the High Court or not.

The number of letters which the Appellant wrote to other persons besides Mr. Newton corroborates this view; for although the letters were marked "Private and Confidential," the Appellant could never have imagined that what he was doing would not very rapidly become known. He thought that he had not violated the Act; and although he was clearly wrong in so thinking, their Lordships consider that it is a not unimportant element in the consideration of the punishment that should be meted out to him, that he did not wilfully violate the Act, but considered that he did not come within it.

Upon the whole facts of the case their Lordships are of opinion that the Order of the High Court should be varied, by directing that the Appellant be suspended from practising as a Vakil for a period of four years from the 20th June 1893. Their Lordships will humbly advise Her Majesty accordingly.

