

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Reserved on 26.06.2019****Order delivered on 15.07.2019****Writ Petition No. 3333 of 2003**

Mohd. Arshad Khan S/o Shri Mohd. Akram Khan, aged about 28 years, Advocate, District Court, Durg District Durg (Chhattisgarh)

-----Petitioner

VERSUS

1. Bar Council of India Through Secretary, Bar Council of India, New Delhi
2. State Bar Council of M.P. Through Secretary, State Bar Council of M.P. High Court Premises, Jabalpur (M.P.)
3. State Bar Council of Delhi State Through Secretary, State Bar Council of Delhi, 1/F, Lawyers' Chambers, High Court of Delhi, New Delhi.
4. State Bar Council of Chhattisgarh, Through Secretary, State Bar Council of Chhattisgarh, High Court Premises, Bilaspur (Chhattisgarh)
5. High Court of Delhi, Through Registrar High Court of Delhi, New Delhi.
6. High Court of Madhya Pradesh Through Registrar General High Court of Madhya Pradesh Jabalpur(M.P.)
7. High Court of Chhattisgarh, Through Registrar, High Court of Chhattisgarh, Bilaspur (Chhattisgarh)
8. Principle Secretary, Ministry of Labour Welfare State of Uttar Pradesh Lucknow (U.P.)
9. Shri Shriprakash Choubey, S/o Pandit Dalsingar Choubey, Ex. Labour Concilliation Officer, Raibarely, C/o Dy. Labour

Commissioner, 23, A.P. Sen Road, Lucknow (U.P.)

10. S.P. Choubey alias Deen Dayal Choubey, Ex. Advocate (Ex. Enrollment No. MP 283/1970/Advocate State Bar Council of Madhya Pradesh) S/o Katwaru Choubey, alias Dalsingar Choubey, practising regularly in District Court Durg, (Chhattisgarh) and High Court of Chhattisgarh at Bilaspur Office- Behind Kotwali P.S. Durg (Chhattisgarh) R/o Girdhari Nagar, Durg (Chhattisgarh).
11. Central Bureau of Investigation Through Director, C.B.I. New Delhi.

-----Respondents

For Petitioner	:	Shri V.G. Tamaskar, Advocate
For Respondents No.1	:	Shri Vimlesh Bajpai, Advocate
For Respondent No.10	:	Shri B.N.Mishra and Shri T.K. Jha, Advocates
For Respondent No.11-CBI	:	Shri B.Gopa Kumar, Assistant Solicitor General
For Other respondents	:	None

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice

Hon'ble Shri Sanjay K. Agrawal, Judge

C.A.V. Order

Sanjay K. Agrawal, J.

1. This Writ Petition has been preferred by the petitioner herein seeking quashment of enrollment of respondent No.10 herein as an Advocate enrolled by State Bar Council of Delhi and also sought direction to hold C.B.I. enquiry against respondent No.10 herein in relation to alleged impersonation by him in obtaining enrollment.

2. Essential facts necessary to decide *lis* brought before this Court are as under :

(i) Respondent No.10 herein, S.P. Choubey was enrolled as an Advocate by the State Bar Council of Madhya Pradesh being enrollment No. MP 283/1970/Advocate. His brother-in-law Mr. R.N. Tiwari made a complaint against him to the State Bar Council of M.P. alleging impersonation and using forged certificates in obtaining enrollment. Cognizance of said complaint was taken by the State Bar Council of M.P. and disciplinary committee of the council decided the case by its order dated 19.02.1983 and ordered removal of the name of said respondent from roll of advocates maintained by State Bar Council of M.P.. In appeal preferred by the said respondent the Bar Council of India by order dated 08.05.1983 remanded back the matter to the State Bar Council of M.P. for disposal in accordance with law. The State Bar Council of M.P. in turn considered the matter in its meeting dated 15.01.1983 and passed resolution No. 48/1983 and referred the matter to the Bar Council of India under Section 26(1) of the Advocates Act, 1961 and finally, the Bar Council of India, respondent No.1 herein vide its order dated 8.4.1984, directed the name of respondent No.10 to be removed from the roll of advocates maintained by State Bar Council of Madhya Pradesh in exercise of its power under proviso to Section 26(1) of the Advocates Act, 1961 (hereinafter called as “the Act of 1961”).

(ii) Thereafter, in compliance of above-stated order of Bar Council of India, respondent No.2 herein, the State Bar Council of Madhya Pradesh issued a notification on 30.7.1984 removing respondent No.10 from the State roll of Advocates forthwith and thereby the said respondent ceased to an Advocate and became ineligible to appear and conduct cases as such.

(iii) Questioning legality and validity of order passed by the Bar Council of India dated 8.4.1984, respondent No.10 preferred petition being Civil Writ No. 2017/84 in the High Court of Delhi titled as S.P. Choube Vs. Bar Council of India & Ors., which was dismissed summarily by the High Court of Delhi on 22.8.1984. Respondent No.10 again filed petition being M.P. No. 2490/86 (S.P. Choube Vs. Bar Council of India & Ors.) before the Madhya Pradesh High Court, which was also dismissed by a reasoned order by the said Court by order dated 1.9.1986, yet the said respondent No. 10 still not satisfied, filed a Civil Suit for declaration and injunction before the 3rd Civil Judge Class II, Durg questioning the order passed by the Bar Council of India, in which, plaint was directed to be returned by the said Civil Court by order dated 20.12.1985 in exercise of power and jurisdiction conferred under Order 7 Rule 10 of the CPC.

(iv) The Criminal Revision No.114/85 filed by respondent No.10 questioning order dated 05.11.1985 was also dismissed by the 1st Additional Sessions Judge, Durg on 21.9.1985. It was the case of

the petitioner that at the instance of District Bar Association Durg, FIR was registered against respondent No.10 for offences punishable under Sections 419 and 420 IPC in Kotwali Police Station, Durg and he was charge-sheeted by the said Police Station and despite his removal from the State roll of Advocates, he is still practising, for which he is not entitled and therefore, his enrollment as an Advocate with the State Bar Council of Delhi being enrollment No. D1634/2002 be quashed and the matter be handed over to the Central Bureau of Investigation for inquiring into the aforesaid impersonation by respondent No.10 and he be directed to be prosecuted accordingly.

3. Respondent No.10 being main contesting respondent has filed his return controverting the averments made in the writ petition questioning the locus of the petitioner herein. It has been stated in the return that the petitioner has no locus to challenge his certificate of enrollment issued in his favour by respondent No.3 herein as he has never impersonated anybody and the allegations are false and baseless and this writ petition has been filed with ulterior object for obtaining cheap popularity by the petitioner, who is an Advocate by profession. The Criminal Case No.507/93 was registered against respondent No.10 (State of M.P. Vs. Shri Prakash alias Din Dayal Choubey) alleging that he is imposter and obtained enrollment by submitting forged and fabricated certificates in which vide judgment dated 22.4.1997 he has

already been acquitted and that order has attained finality. On the basis of order of acquittal he subsequently moved an application on 23.2.2002 before the Bar Council of India for consideration and recalling of its earlier order dated 8.4.1984, in which the Bar Council of India had given an option to him on 05.08.2002 to apply for a fresh enrollment to any State Bar Council in India and on the basis of said order, he applied to the Bar Council of Delhi for fresh enrollment. It was considered by the Delhi State Bar Council and he was ultimately enrolled as an Advocate vide enrollment No. D/1634/2002 and therefore, he is legally eligible under the provisions of the Act of 1961 to appear as an Advocate anywhere in the country. Thereafter, on the basis of false complaint made against him, by order dated 10.6.2006, respondent No.1-Bar Council of India initiated removal proceedings No.2/2006 and ultimately, by order dated 10.6.2006, the Bar Council of India removed respondent No.10 from the roll of Advocates, against which, respondent No.10 preferred a Review Petition before the Bar Council of India. The Bar Council of India on 28.6.2008 partly granted the review petition holding that order dated 10.6.2006 removing respondent No.10 from the roll of State Bar Council of Delhi will not bar his future enrollment with any of State Bar Council if the applicant/respondent No.10 so apprises that he has been acquitted in criminal case instituted against him. Respondent No.10 again applied for being enrolled as an

Advocate in the State Bar Council of Delhi and the State Bar Council of Delhi on 14.7.2008 again enrolled him as Advocate being enrollment No.D/848/2008.

4. During the pendency of this writ petition, on 09.10.2018 this Court directed the Bar Council of India to examine the matter and submit a report with regard to the enrollment of respondent No.10 herein. Accordingly, the General Council of Bar Council of India has considered the matter and passed a resolution, which has been placed on record before this Court on 4.9.2019 and thereafter, the petitioner/respondent No.10 has been noticed for placing his view point before respondent No.1 and he has filed a representation before the Bar Council of India. Copy of the same representation has also been placed before this Court. It has been stated at the Bar that the Bar Council of India is seized of the matter and the date was fixed for hearing on 16.6.2018, but it has been adjourned for some other date as on that date meeting could not be held.
5. Shri V.G. Tamaskar, learned counsel for the petitioner, would submit that respondent No.10 is an impostor and despite the fact that he has been removed from the State roll of Advocates by respondent No.1 herein, yet he is practising in various Courts which is clearly impermissible in law and it is a fit case where conduct of respondent No.10 be enquired by handing over the matter to the Central Bureau of Investigation, as such, the writ

petition be allowed and the enrollment of respondent No.10 with the State Bar Council of Delhi be directed to be struck off and C.B.I. inquiry be directed against him.

6. Shri B.N. Mishra, learned counsel for respondent No.10, would submit that criminal case filed against him for offences punishable under Sections 419, 420, 460, 468 and 471 of the IPC alleging that he is an impostor and by a forged degree of LL.B.(Bachelor of Legislative Law), he got himself enrolled as an Advocate and is practising in various Courts, he has already been acquitted on 22.4.1997 by the court of Judicial Magistrate First Class, Durg, as such, the charges are baseless and only to defame him, such allegations are repeatedly being made. He would further submit that upon liberty granted by the Bar Council of India, he made an application to the State Bar Council of Delhi and the State Bar Council of Delhi on 14.7.2008 enrolled him as an Advocate and by strength of such enrollment as an Advocate, he was practising as an Advocate. Now on account of old age (80 years) and considering his poor health condition, he is not actively practising and even otherwise, the Bar Council of India pursuant to the direction issued by this Court, issued notices to him and he has also made a representation to the Bar Council of India presenting his view point, which is under consideration and the case was fixed for hearing on 16.6.2019, but as informed by the Bar Council of India, it has been adjourned to some other date and since the

quasi-judicial proceeding is pending against him before the Bar Council of India, therefore, it be left to be considered by the Bar Council of India. Even otherwise, his enrollment granted on 14.7.2008 by Delhi Bar Council is not under challenge in this writ petition, therefore, the writ petition deserves to be dismissed with cost(s).

7. Shri Vimlesh Bajpai, learned counsel appearing for the Bar Council of India/ respondent No.1, would submit that pursuant to the direction of this Court, the case of respondent No.10 was considered by the General Council of the Bar Council of India on 27.10.2018 and resolution passed has already been placed on record before this Court on 4.1.2019.
8. We have heard learned counsel for the parties, considered their rival submissions made herein-above and also went through the record with utmost circumspection.
9. It is not in dispute that respondent No.10 was initially enrolled as an Advocate in the Bar Council of Madhya Pradesh being enrollment No. MP 283/1970/Advocate and on a complaint made against him, his name was directed to be removed from the State roll of Advocates by order of the Bar Council of India on 8.4.1984. Writ petition filed by respondent No.10 in the High Court of Delhi as Civil Writ No.2017/84 was dismissed by the High Court of Delhi and thereafter, other writ petition filed by respondent No.10 being

MP No. 2490/86 before the Madhya Pradesh High Court, the Madhya Pradesh High Court on 1.9.1986 by a reasoned and speaking order affirmed the order of removal passed against him. The Civil Suit filed by the respondent No.10 questioning the order of removal, the plaint was directed to be returned by the jurisdictional Civil Court and thereafter, respondent No.10 got himself registered in the Delhi State Bar Council being enrollment No. D1634/2002 pursuant to the liberty granted by the Bar Council of India on 05.08.2002, but ultimately by order of Bar Council of India dated 10.6.2006, he was again removed from the State roll of Advocates finding him guilty of misconduct. The order dated 10.6.2006 passed by the Bar Council of India states as under :-

“Case called out. Shri Prakash Choubey served. He is called several times but absent. The General Body of the Bar Council of India decided to look into the matter and record and pass suitable order.

“As facts of the case are that in D.C. Appeal No. 48/2004 the Bar Council of India considered the order passed on 8.8.2004 by the D.C. of the State Bar Council of Chhattisgarh. In D.C. Case No.10/2004. The D.C. of the Bar Council of India came to the conclusion that Mr. Prakash Choubey has concealed the facts and misrepresented the earlier removal from the roll of the State Bar Council of M.P. The D.C. of Bar Council of India was of the view to invoke the power u/s 36 (1) of

the Advocates Act. After passing the order the Review Petition was filed and same was numbered as 12/2005 and the D.C. on 9.4.2006 ultimately passed the order that the appeal order dated 6.8.2005 passed in D.C. appeal No. 48/2004 as well as order dated 8.8.2004 passed by the State Bar Council of Chhattisgarh be quashed and directed the office to put the file before the General House u/s 26 (1) of the Advocates Act. Thus the matter has come up before the General Body of the Bar Council of India. We perused the records. It is apparent that Mr. Prakash Choubey got himself enrolled after having suppressing that he has been on the roll of the State Bar Council of MP by modification SBC/MP/CC-31/81 Bar Council of India in its removal proceeding number 6/83.

Mr. Prakash Choubey got himself enrolled with the State Bar Council of Delhi instead of Chhattisgarh. He also failed to submit the said licence issued by the State Bar Council of MP and the State Bar Council of Delhi and from the perusal of the record that Mr. Prakash Choubey by suppressing the material fact by way of misrepresentation of his earlier removal from the roll of State Bar Council of MP got his enrollment. Under the above facts and circumstances it is a fit case where the name of Mr. Prakash Choubey be removed from the roll of the Advocates maintained by the State Bar Council of Delhi.”

Yours faithfully,
Sd/-

(S. RADHAKRISHNAN)
SECRETARY

10. Thereafter, respondent No.10 herein, filed a review petition before the Bar Council of India on 28.6.2008, which was partly allowed granting liberty to said respondent stating that he will be at liberty to make application for his future enrollment with any State Bar Council on the basis of his acquittal in the criminal case. The order dated 28.6.2008 passed by the Bar Council of India states as under:-

BAR COUNCIL OF INDIA
21, Rouse Avenue Institutional Area
New Delhi-110 002

Review Petition No.7/2006

Shri Prakash Choubey

Petitioner

Vs.

State Bar council of Delhi

Respondent

Order dated 28.6.2008

Heard Shri Prakash Choubey in support of the Review Petition.

The instant review petition has been filed against the order dated 10th June, 2006 passed by this Council in Removal Proceeding No. 2/2006. The said order was communicated to the review petitioner by letter dated 12.7.2006. That is why the review petition has been preferred against the order dated 12.7.2006 although the date of order is 10.6.2006. The order against which this review petition has been filed is a reasoned order giving in detail the facts and circumstances which led to the removal of the review petitioner from the roll of advocate. The categorical finding of this Council in the order dated 10.6.2006 is that the review petitioner by suppressing material facts and also

making mis representation of his earlier removal from the State Bar Council of Madhya Pradesh and got enrollment in the State Bar Council of Delhi. Such being the findings recorded by this Council we see no mistake or error apparent in the order to entertain the review petition. Hence, the review petition is accordingly dismissed.

The above order will not bar the future enrolment of the applicant with any State Bar Council if the applicant so apprises that he has been acquitted in the criminal case instituted against him.

(Sd)
CHAIRMAN
BAR COUNCIL OF INDIA

Certified to be a true copy

(S.RADHAKRISHNAN)
SECRETARY

11. Respondent No.10 thereafter, applied for being enrolled as an Advocate in the State Bar Council of Delhi and the said Bar Council on 14.7.2008 again enrolled him as an Advocate being enrollment No.D/848/2008, which states as under :

Certificate of Enrolment

As

A D V O C A T E
Under the Advocates Act, 1961
Number on the Roll D/848/2008

This is to certify that Shri/Miss/Smt. Shree Prakash Choubey son/daughter/wife of Shri (Late) D.S. Choubey has this day been admitted to be an Advocate of the Bar Council of Delhi and that his/her name has been entered in the Roll of

Advocates maintained by this Council.

*Given under my hand and the seal of the Bar
Council this 14th day of July 2008.*

Sd/-

K.K. MANAN
CHAIRMAN
Bar Council of Delhi

12. This writ petition was filed before this Court on 14.10.2003 and is pending consideration since then. During the pendency of this writ petition, this Court on 9.10.2018 passed following order directing respondent No.1-Bar Council of India :-

“The Chairman, Bar Council of India is directed to look into the matter, get it examined and ensure filing of counter affidavit on their behalf, especially when the Bar Council of India has taken upon itself to weed out fake lawyers from the system”.

In compliance of order of this Court, the General Council of the Bar Council of India considered the matter on 27.10.2018 as item No.432/2018 and passed resolution which has been produced before this Court, which states as under :-

“The matter was discussed on the following lines. The facts of the case was discussed that in D.C. Appeal No. 48/2004 the Bar Council of India had considered the order passed on 8.8.2004 by the D.C. of the State Bar Council of Chhattisgarh in

D.C. Case No. 10/2004. The D.C. of the Bar Council of India came to the conclusion the Mr. Prakash Choubey has concealed the facts and misrepresented the earlier removal from the roll of the State Bar Council of M.P. The D.C. of Bar Council of India, was of the view to invoke the power u/s 36(1) of the Advocates Act. After passing the order, review Petition was filed and same was numbered as 12/2005 and the D.C. on 9.4.2006 ultimately passed the order that the order dated 6.8.2005 passed in D.C. appeal 48/2004 as well as order dated 8.8.2004 passed by the State Bar Council of Chhattisgarh be quashed and directed the office to put the file before the General House u/s 26 (1) of the Advocate Act. Thus the matter has come up before the General Body of the Bar Council of India. It perused the record, wherein it was/is apparent the Mr. Prakash Choubey got himself enrolled with Bar Council of Delhi after having suppressed by way of misrepresentation the fact that he has been on the roll of the State Bar Council of M.P. and the grounds and of the fact that he had been removed from the rolls.

He had also failed to submit the said license issued by the State Bar Council of M.P. and the State Bar Council of Delhi. Under the above facts and circumstances, the Bar Council of India, held that it is a fit case where the name of Mr. Prakash Choubey be removed from the roll of the Advocate maintained by the State Bar Council of Delhi. Mr.

Prakash Choubey name was removed from the rolls of Advocate by the Bar Council of Delhi.

Thus it is a fit case to be dealt with under the provisions of Impersonation and cheating under the Indian Penal Code. He is furthermore a repeat offender and thus the Hon'ble Court may in its wisdom consider directing the lodging of an F I R against him and he should be criminally prosecuted as per the law of the Land.”

13. During the course of hearing, it was informed by learned counsel for respondent No.10 that in the said proceeding, he (respondent No.10) has already appeared and has filed a detailed representation for which a date of hearing was fixed on 16.6.2019, but anyhow it has been adjourned for some other date and matter is pending consideration before the Bar Council of India.
14. From the aforesaid narration of the facts, it is quite clear that respondent No.10 was enrolled in the Delhi State Bar Council being enrollment No.D1634/2002 and he has already been removed from the State roll of Advocates maintained by Delhi State Bar Council by order dated 10.6.2006 passed by Bar Council of India. Therefore, the relief claimed in para 7.1 which is the main relief claimed in the writ petition is not available to be claimed and to be considered. The subsequent enrollment of respondent No.10 as an Advocate by Delhi State Bar Council on 14.7.2008, quasi-judicial proceeding is pending against him before Bar Council of India as noticed hereinabove, in which respondent

No.10 has already entered into appearance and filed his representation and Bar Council of India is seized of the matter. Since the quasi-judicial proceeding under the provisions of the Act of 1961 is pending consideration before the Bar Council of India, we refrain ourselves from making any observation with regard to the above-stated pending proceeding. It will be considered and disposed of by the Bar Council of India strictly in accordance with law on its own merit without being prejudiced by any of observation made hereinabove.

15. The petitioner has also prayed that since respondent No.10 has impersonated and got himself enrolled as an Advocate by submitting fabricating documents, it would be appropriate to direct for the C.B.I. enquiry for the said misconduct of respondent No.10 herein. Before proceeding further, it would be appropriate to notice the legal position as to when an enquiry by C.B.I. can be directed by this Court.

16. In the matter of **Common Cause v. Union of India**¹, Their Lordships of the Supreme Court while considering the scope and ambit of a criminal case being tried or to direct an investigation by CBI, it was held as under: -

“174. The other direction, namely, the direction to CBI to investigate 'any other offence' is wholly erroneous and cannot be sustained. Obviously, direction for investigation can be given only if an offence is, prima facie, found to have been

1 (1999) 6 SCC 667

committed or a person's involvement is prima facie established, but a direction to CBI to investigate whether any person has committed an offence or not cannot be legally given. Such a direction would be contrary to the concept and philosophy of 'LIFE' and 'LIBERTY' guaranteed to a person under Article 21 of the Constitution. This direction is in complete negation of various decisions of this Court in which the concept of 'LIFE' has been explained in a manner which has infused 'LIFE' into the letters of Article 21.”

17. Similarly, in the matter of Minor Irrigation & Rural Engg. Services v. Sahngoo Ram Arya², delineating the scope and jurisdiction of the High Court under Article 226 of the Constitution of India for directing an inquiry by CBI, Their Lordships of the Supreme Court held as under: -

“5. While none can dispute the power of the High Court under [Article 226](#) to direct an inquiry by CBI, the said power can be exercised only in cases where there is sufficient material to come to a prima facie conclusion that there is a need for such inquiry. It is not sufficient to have such material in the pleadings. On the contrary, there is a need for the High Court on consideration of such pleadings to come to the conclusion that the material before it is sufficient to direct such an inquiry by the CBI. This is a requirement which is clearly deducible from the judgment of this Court in *Common Cause* (supra).”

18. A Constitution Bench of the Supreme Court in the matter of State of W.B. v. Committee for Protection of Democratic Rights³ again considering the question of jurisdiction of the High Court under Article 226 of the Constitution of India for directing CBI to investigate cognizable offence in a State without the

2 (2002) 5 SCC 521

3 (2010) 3 SCC 571

consent of the State Government, pertinently observed the circumstances on which the investigation by CBI can be directed, as under: -

“70. Before parting with the case, we deem it necessary to emphasise that despite wide powers conferred by Articles 32 and 226 of the Constitution, while passing any order, the Courts must bear in mind certain self-imposed limitations on the exercise of these constitutional powers. The very plenitude of the power under the said articles requires great caution in its exercise. Insofar as the question of issuing a direction to CBI to conduct investigation in a case is concerned, although no inflexible guidelines can be laid down to decide whether or not such power should be exercised but time and again it has been reiterated that such an order is not to be passed as a matter of routine or merely because a party has levelled some allegations against the local police. This extraordinary power must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and instill confidence in investigations or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights. Otherwise CBI would be flooded with a large number of cases and with limited resources, may find it difficult to properly investigate even serious cases and in the process lose its credibility and purpose with unsatisfactory investigations.”

19. Their Lordships of the Supreme Court in the matter of **Mohd. Haroon and others v. Union of India and another**⁴, where the prayer was made for constituting SIT or directing CBI to inquire into the communal riots erupted in and around District Muzaffarnagar, Uttar Pradesh in 2013, declined to grant CBI inquiry or constitution of SIT with the following findings: -

4 (2014) 5 SCC 252

“121. In the light of various steps taken by the State, facts and figures, statistics supported by materials coupled with the various principles enunciated in the decisions referred above, we are of the view that there is no need to either constitute SIT or entrust the investigation to CBI at this juncture. However, we are conscious of the fact that more effective and stringent measures are to be taken by the State administration for which we are issuing several directions hereunder.”

20. Reverting to the facts of the present case in light of the legal position noticed herein-above, it is quite vivid that in the present case, complaint filed against respondent No.10 for offences punishable under Sections 419, 420, 468 and 471 of the IPC that the said respondent impersonated and on the basis of forged degree of LL.B. and other certificates obtained enrollment was tried by the jurisdictional criminal court in Cr. Case No. 507/1993 and he has been acquitted from the said charges on 22.4.1997 and as on this date no investigation in terms of Section 2 (h) of the Cr.P.C. is pending consideration before State authorities. Taking into consideration the entire facts as brought before this court and noticed herein-above and the advanced age of respondent No.10 herein and further taking into consideration the statement made on behalf of respondent No.10 that on account of advanced age he is not practising as an advocate and the appropriate quasi-judicial proceeding is pending consideration before the Bar Council of India, we do not consider the present case as an extraordinary and exceptional case for directing inquiry by Central

Bureau of Investigation.

21. In view of the aforesaid legal analysis, we dispose of the writ petition giving liberty to the parties to approach the Bar Council of India where matter pertaining to subsequent enrollment of respondent No.10 is pending consideration, who in turn, shall consider and dispose of the said proceedings strictly in accordance with law on its own merit after hearing the parties concerned.
22. With the aforesaid observation/direction, the writ petition stands finally disposed off. No cost(s).

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Sanjay K. Agrawal)
Judge