



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

964 WRIT PETITION NO. 3060 OF 2024

SHANKARRAO KONDIBARAO DESHMUKH

VERSUS

THE SECRETORY BAR COUNCIL OF MAHARASHTRA AND GOA AND
OTHERS

Mr.R.B. Dhakane, Advocate for the Petitioner.

Mr.R.K. Ingole, AGP for the Respondent/State.

CORAM : RAVINDRA V. GHUGE &
R.M. JOSHI, JJ.

DATED : 19.03.2024

PC :-

01. Leave to correct the spelling in the description of Respondent Nos. 1 and 2. Leave to add the State.

02. The Petitioner's estranged wife – Respondent No.3 herein, approached the Bar Council of Maharashtra and Goa by tendering an affidavit, lodging a complaint that the Petitioner is torturing her and is not shouldering the responsibilities of their two daughters for the last three years and has illegally entered into a second marriage. Based on such complaint, the case of

the Petitioner has been referred to the Disciplinary Committee of the Bar Council. The hearing in the matter is completed on 17.03.2024 and the proceedings are closed for a decision. The grievance of the Petitioner is that the complaint filed by the Respondent-wife does not fall within the definition of “Misconduct” under section 35(1) of the Advocates Act, 1961.

03. Having perused Section 35(1) of the Act, it appears that there is no specific definition as to which conduct or act of an Advocate would be termed as a particular “Misconduct”. What is prescribed is that the State Bar Council must come to a conclusion, in a complaint, that an Advocate on its roll has committed an act of which he can be held guilty of professional or ‘other misconduct’.

04. In view of the above, since the proceedings are already closed for judgment, and as it has to be left to the Disciplinary Authority to consider whether the complaint against the Petitioner could prove an act to be “Other Misconduct” or a Professional Misconduct, **this Writ Petition is disposed off.**

05. Needless to State, if the decision of the Committee is adverse to the Petitioner, he would be at liberty to challenge the same before the appropriate Forum.

[R.M. JOSHI,J.]

[RAVINDRA V. GHUGE,J.]