

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2876 OF 2024

Vaseem Sattar Meman	... Applicant
V/s.	
The State of Maharashtra	... Respondent

WITH
INTERIM APPLICATION NO.2978 OF 2024
IN
BAIL APPLICATION NO.2876 OF 2024

Reyan Siraj Khan	... Applicant
In the matter between	
Vaseem Sattar Meman	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Shamrao N. Patole for the applicant in BA.

Mrs. Mahalakshmi Ganapathy, APP for the respondent-State.

Ms. Priyanka Chavan i/by Ms. Ilsa Shaikh for the applicant-intervenor in IA.

CORAM : AMIT BORKAR, J.

DATED : JULY 23, 2025

P.C.:

1. Learned Advocate presently appearing for the applicant submits that the applicant's brother had approached the Advocate who was earlier representing the applicant, with a request to issue a 'no-objection' and to return the case papers, so that the present Advocate may be formally engaged. However, it is brought to the

notice of this Court that the previous Advocate has declined to issue the no-objection and has also refused to return the relevant documents and case papers.

2. At this stage, it is necessary to observe that such conduct on the part of an Advocate, refusing to give no-objection or withholding papers without justifiable cause, has been consistently held to be improper and unprofessional. The Bombay High Court as well as other High Courts have taken the view that such behaviour may amount to professional misconduct under Section 35 of the Advocates Act, 1961, and may expose the concerned Advocate to disciplinary action by the State Bar Council. An Advocate, once his client has decided to disengage his services, cannot assert a lien over the case papers or obstruct the client's right to change legal representation. The duty of an Advocate is towards the client, and not vice versa.

3. Furthermore, in the present matter, the brother of the applicant is personally present in Court and has instructed the present Advocate to appear on behalf of the applicant. Considering this factual situation, the insistence on a formal 'no-objection' from the earlier Advocate becomes irrelevant. The paramount consideration is the right of the litigant to be represented by a legal practitioner of his choice, and no procedural hurdle should be permitted to defeat that right.

4. In light of the above, this Court finds no legal impediment in allowing the present Advocate to represent the applicant. The mere refusal of the earlier Advocate to issue a no-objection cannot

come in the way of the applicant exercising his fundamental right to engage an Advocate of his own choice. Accordingly, this Court permits the Advocate now appearing to represent the applicant and to make all necessary submissions in the present proceedings.

5. Stand over to **30 July 2025**.

(AMIT BORKAR, J.)