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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 8904 OF 2023

Amresh Sharma ...Petitioner
Versus
Bar Council of India & Ors ...Respondents

Mr MJ Nedumpara, *with Hemali K, for the Petitioner.*
Mr Makrand Bakore, *for Respondent No. 2-BCMG.*
Mrs PJ Gavhane, *AGP, for the Respondent-State.*

CORAM G.S. Patel &
Neela Gokhale, JJ.
DATED: 5th April 2023

PC:-

1. The Petitioner is an Advocate. He takes exception to an order dated 27th January 2023 of the Bar Council of Maharashtra and Goa (“**BCMG**”) suspending his license for a period of six months with effect from a week after service of the order. The Petitioner has availed of this statutory appellate remedy to the Bar Council of India (“**BCI**”) and has filed an Interim Application for stay.

2. We believe Mr Nedumpara is justified in seeking a direction that the stay application in appeal must be heard on a priority basis and that the appeal itself should be disposed of at the earliest possible. While this may be true of all appeals pending before the

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BCI , we must be careful to separate from such appeal other matters that have been transferred to the BCI automatically because of the passage of time without an order being passed by the State Bar Council. Even an order of suspension of a few months, and indeed the very imposition or handing down of that order, has very severe adverse consequences to an advocate, his standing, his reputation and perhaps most of all his future prospects. There is a distinction to be drawn between what an Advocate does in his capacity as an advocate and what he does when he goes about his routine affairs and daily life as any other person may do. The two are not to be conflated.

3. We are expressing no opinion on the individual merits at this stage because the appeal is pending. We do however request the BCI to decide the stay application as expeditiously as possible and preferably before 28th April 2023 and the appeal itself as soon as possible thereafter. If the stay application is decided in favour of the Petitioner, then of course the BCI will schedule the final hearing of the appeal at its convenience. But if that stay application is refused, then we would request the BCI to dispose of the appeal itself no later than by 12th May 2023. We say this because the sentence is for six months and runs from approximately from 17th March 2023. It certainly should not happen that the appeal is rendered infructuous because the sentence is already served out. That will leave remaining the stigma of the sentence itself, a matter of considerable concern to the Petitioner.

4. Rather than dispose of the Petition at this stage, we keep it pending. We have not yet issued Rule. We make it clear that we have only deferred a consideration even of interim relief only because Mr Nedumpara states that an appeal has been filed along with an accompanying application for interim relief. We make it clear to all concerned that if the Interim Application in appeal is not even being considered, then Mr Nedumpara will be at liberty to renew his application before us for interim relief.

5. Affidavit of service is to be filed in the Registry.

(Neela Gokhale, J)

(G. S. Patel, J)