

Writ Petition No.4561/2017

27.3.2017.

Shri M.K. Tripathi with Ms. Neetul Prajapati, learned counsel for the petitioner.

Heard on admission.

Petitioner, while employed as Forest Guard, being prosecuted for an offence under Section 13(1)(d)(ii) read with Section 13(2) of the Prevention of Corruption Act, 1988 and being convicted therefor, by judgment dated 3.1.2015 passed in Special Case No.01/2014 by Special Judge, Khandwa, sentenced to 4 years R.I. and fine of Rs.5000/-, has preferred an appeal : Criminal Appeal No.99/2015, wherein he is enlarged on bail.

Pending appeal, petitioner has filed this petition seeking direction to respondent to grant him provisional permission to practice as an Advocate.

Section 24A of the Advocates Act, 1961 stipulates :

24A. Disqualification for enrolment – (1) No person shall be admitted as an advocate on a State roll -

(a) if he is convicted of an offence involving moral turpitude.

(b) if he is convicted of an offence under the provisions of the Untouchability (Offences) Act, 1955.

(c) if he is dismissed or removed from

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employment or office under the State or any charge involving moral turpitude.

Explanation- In this clause, the expression "State" shall have the meaning assigned to it under article 12 of the Constitution.

Provided that the disqualification for enrolment as aforesaid shall cease to have effect after a period of two years has elapsed since his release or dismissal or, as the case may be, removal.

(2) Nothing contained in sub-section (1) shall apply to a person who having been found guilty is dealt with under the provision of the Probation of Offenders Act, 1958 (20 of 1958).

Since the petitioner stands convicted for an offence under Section 13(1)(d)(ii) read with Section 13(2) of the Prevention of Corruption Act, 1988, the relief sought by him cannot be granted.

The petition since does not merit consideration, deserves to be and is **dismissed**. No costs.

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**(SANJAY YADAV)
JUDGE**