

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Reserved on: 16th January, 2023
Pronounced on: 23th January, 2023

+ **W.P.(CRL) 2583/2022**

RAJESH SHARMA Petitioner

Through: Mr. Sourabh Gupta, Mr.
Puneet Yadav,
Advocates.

versus

STATE OF NCT DELHI AND ANR. Respondents

Through: Mr. Rahul Tyagi, ASC
for the State with Mr.
Jatin and Mr. A. Chogar,
Advocates with SI with
SI P.Singson, PS Dwarka
South.
Mr. Jitender Solanki,
Advocate for R-2

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL
JUDGMENT

ANISH DAYAL, J.

1. This petition has been filed seeking quashing of FIR No. 458 of 2022 dated 3rd September 2022 under Sections 419/177/209 IPC. P.S. Dwarka, South District, New Delhi.

2. The background facts are that the petitioner is a 3rd year law student pursuing his LLB from Jagmohan College of Law, Masuri, Link Road, Khekra, Baghpat affiliated with Choudhary Charan Singh University of Meerut. In the year 2012, petitioner completed his graduation and thereafter in the year 2020, he joined his LLB course at

the said college. In the month of August 2022, after completion of 2 years of LLB course, the petitioner joined Abhay Raj Verma, Advocate who is practicing before various District Courts in Delhi, as an intern for two months. The petitioner used to accompany Advocate Verma in day to day Court hearings to gain experience. He always attended Court in white shirt and black pants but never wore Advocate robes and never represented himself as an Advocate.

3. However, on 31st August 2022, Advocate Verma was out of station and his client, Shri Satbir Singh was not well due to which there was no one available to attend the Complaint Case bearing No. 4218 of 2020 pending before the learned MM-07, South West Dwarka, New Delhi. Advocate Verma gave him instructions to appear before the Court as an intern and he accordingly apprised the Court that neither Advocate Verma nor the client could appear and sought an adjournment on their behalf. When the petitioner appeared before the Court and stated so, he was queried by the learned MM that whether he was appearing as main counsel or proxy and in his nervousness, he submitted that he was a “proxy”. He was under the mistaken impression that a “proxy” is somebody who seeks an adjournment and was not sure about the ramifications of the same. The petitioner was then asked about his identity by the learned MM and gave his law student identity card. The petitioner was not wearing any band or lawyer robes at that point of time.

4. Upset by the situation, the learned MM issued directions to place a copy of the Court proceedings dated 31st August 2022 with the ID proof of the petitioner before the learned Principal District and Sessions Judge, South West Dwarka, for information. Pursuant to the same the petitioner appeared before the learned Principal District and

Sessions Judge and apprised him about the facts and circumstances. The learned Principal District & Sessions Judge, South West Dwarka, declined to take any legal action since the petitioner was a law intern.

5. However on 3rd September 2022 upon the complaint of respondent No. 2 Shri Jitender Solanki, Hon'ble Secretary, Dwarka Court Bar Association, the impugned FIR got registered. The petitioner and Advocate Verma were called for this purpose and their statements were recorded by the concerned IO. The learned counsel for the petitioner contended that there was no question of any impersonation as an Advocate by the petitioner, since he was working as an intern and had appeared as an intern in an exigent situation where his principal Advocate Verma and the client in that particular matter were not available. Therefore, instead of having no one appearing before the Court, the petitioner was instructed to appear and seek an adjournment. It was further submitted that he was not wearing a band, nor did he ever state that he was an Advocate to the Court.

6. Having perused the records of the case and having heard the counsel for the petitioner, in the opinion of this Court, this issue has been amplified disproportionately before the learned MM, particularly keeping in mind that the petitioner upon being queried by the learned MM, fairly disclosed that he was an intern and also gave his ID card upon being asked to do so. It was not a situation where an intern was wearing the robes of an Advocate or had stated that he was an Advocate. In his understandable nervousness, if the intern stated he was a "proxy", it would be a *bona fide* mistake since the word "proxy" is used informally in Courts for an Advocate who is not on record appearing before the Court, but also is not a formalized term of art which would be taken into account to implicate the law intern for an

alleged offence (of impersonation, furnishing false information or dishonesty making a false claim). The petitioner who was a law intern was clearly confused, perplexed and unable to handle the situation which presented before him. It is evident that a law student cannot appear as a counsel or a proxy counsel in any matter before a Court of law, prior to being properly enrolled by a Bar Council and being admitted to the bar. However, in these facts and circumstances, it cannot be said it was a case of malintent which could implicate the petitioner for offences under the Indian Penal Code.

7. The respondent No. 2, Mr. Solanki, Hon'ble Secretary of the Dwarka Bar Association appeared through VC and stated that there were many such cases of interns appearing in the Courts and the Presiding Officers of these Courts had forwarded complaints to the Bar Association. When queried by the Court whether notices to warn such interns from posing as lawyers or even wearing the Advocates dress had been properly exhibited, he said that certain steps had been taken.

8. It seems from this Court's interaction with Mr. Solanki, that there is scope for increasing the dissemination of this warning so as to clearly inform not only the practicing Advocates who should instruct their law interns accordingly but also to the law interns themselves who should be careful as to how they represent their presence in Court. Adequate and appropriate dissemination of this information would possibly reduce such incidents happening on a substantial basis. It is understandable that Presiding Officers take an objection where law interns tend to pose as lawyers, but on the other hand, these law interns who are merely students should be counselled, properly informed and instructed, rather than FIRs being registered, merely on

this basis. A law intern is a student who is in the process of understanding the practice and procedures of the Court and therefore it is also the duty of the institution to take adequate steps to facilitate their education and training and not simply punish them for these inadvertent acts. This is not to say that in is an appropriate case where a person who is not enrolled as a lawyer is wearing lawyer robes and categorically representing himself as a lawyer, there would not be a case for some opprobrium and necessary action.

9. In support of the petition of quashing, on the directions of this Court, the petitioner has additionally filed an undertaking by way of an affidavit stating that he understands that he is not an enrolled Advocate and undertakes that he will not appear or project himself as a lawyer in any proceeding before the Court till he gets duly enrolled an Advocate.

10. In view of this undertaking filed before this Court, as well as observations made above, there is no purpose served for proceedings in this FIR to continue.

11. Accordingly the said FIR No. 458 of 2022 registered at PS Dwarka is hereby quashed, to secure the ends of justice.

12. Petition is disposed of. Pending applications (if any) are disposed of as infructuous.

13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 23, 2023/RK