



2025:AHC-LKO:78203-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 10621 of 2025

Sushil Kumar Rawat

.....Petitioner(s)

Versus

Bar Council Of U.P. Thru. Its Chairman And
Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Rakesh Kumar Nayak, Dushyant Kumar
Counsel for Respondent(s)	:	Subhash Chandra Pandey, Shahid Salam, Zeba Wasi

Court No. - 3

**HON'BLE SHEKHAR B. SARAF, J.
HON'BLE MANJIVE SHUKLA, J.**

(Judgement Dictated In Open Court)

1. Heard learned counsel appearing on behalf of the parties.
2. This is a writ petition under Article 226 of the Constitution of India, wherein the writ petitioner has prayed for the following substantial relief(s):

"(i) Issue a writ, order or direction, in the nature of certiorari for quashing order dated 23.02.2025 passed by the Uttar Pradesh Bar Council directing to the petitioner not to practicing at District Court Lucknow, has awarded punishment of suspension him for a period of 10 years and he has been debarred from practice in any court or before any authority or person of India, which is annex herewith as Annexure no. 1 to this writ petition;

(ii) Issue such other suitable writ, order or direction as the Hon'ble Court may deem just and proper in the facts and circumstances of the case; and

(iii) Award the cost of the Petition in favor of the petitioner."

3. The case of the petitioner is that the entire proceedings, that have

resulted in the impugned order dated February 23, 2025, were carried out behind his back and without giving any notice to him.

4. Learned counsel appearing on behalf of the petitioner further submits that the petitioner has not been convicted of any offence of bigamy, and accordingly, the punishment of suspending him for a period of 10 years is without any basis in law and is premature. He further submits that even if it is proved that he has committed bigamy, the offence of bigamy cannot amount to an offence that involves moral turpitude.

5. Learned counsel appearing on behalf of the petitioner relies upon the judgment of a Single Bench of this Court in **Raj Kishor Yadav Vs. State of U.P. and others**; Writ-C No.6488 of 2025, wherein learned Single Judge has examined in great detail the several judgments of the Hon'ble Supreme Court and also the Allahabad High Court with regard to the issue of moral turpitude. He relies on the conclusion at paragraph 28 of the said judgment, which delineated herein-below:-

"28. It is reasonably well settled that moral turpitude, although not defined, has been interpreted by the Supreme Court in various judgments quoted herein above to hold that for an offence to be an offence involving moral turpitude, it is essential that the act should be such which is inherently 'base', 'vile', 'depraved' or having 'any connection showing depravity'."

6. Learned counsel appearing on behalf of the petitioner further submits that an act of bigamy cannot be termed to be an act that is inherently base, vile or depraved. He further submits that the offence of bigamy would not in any manner shock the conscience of the general public.

7. Per contra, learned counsel appearing on behalf of the respondent submits that service of the corrected order was made upon the petitioner. However, he has not been able to give us evidence till date of having served a notice upon the petitioner inspite of this Court having granted time to the learned counsel appearing on behalf of the respondent.

8. On the issue of bigamy amounting to moral turpitude, learned counsel appearing on behalf of the respondent has relied on the Division Bench

judgment of the Madras High Court in **P. Mohanasudaram v. The President of Chartered Accountants of India, New Delhi and Another** reported in **AIR 2013 MADRAS 221**, wherein the Court had held that the offence of bigamy is coming within the meaning of moral turpitude where removal of petitioner who was a chartered accountant was observed to be valid . In fact, the conviction of a person in a crime involving moral turpitude impeaches his credibility as he has been found to have indulged in shameful, wicked and base activities".

9. The Division Bench of the Madras High Court has subsequently held as follows:-

"19. From the above referred judgments and having regard to the fact that the appellant married another woman, while the first marriage was subsisting, and had acted contrary to the law and to his "estranged wife", we are of the view that the offence of bigamy is coming within the meaning of "moral turpitude."

10. In light of the above judgments, learned counsel appearing on behalf of the respondent submits that the offence of bigamy would amount to an offence involving moral turpitude and, therefore, the act of suspension of the petitioner is in line with the judgments passed by the Hon'ble Supreme Court and the Madras High Court.

11. Learned counsel appearing on behalf of the respondent further submits that the petitioner has an alternative remedy of appeal against the impugned order and is therefore not maintainable before the Writ Court.

12. We have heard learned counsel for the parties and gone through records.

13. The term 'Moral turpitude' has a wide connotation which includes demeanor and of course includes duties of the advocate which are defined under the Bar Council of India Rules. Every profession is governed by a set of rules, similarly law, being a noble profession, is governed by Bar Council of India Rules formed under Advocates Act, 1961.

14. The Supreme Court in **SBI v. P. Soupramaniane** reported in (2019) 18 SCC 135 has enunciated factors that are pertinent to be kept in mind

while inferring moral turpitude as grounds for dismissal from service. The relevant paragraphs of the judgment are quoted herein-below:

“8. Though we do not agree with the reasons given by the High Court for setting aside the order of discharge of the respondent from service, it is necessary to examine whether Section 10(1)(b)(i) of the Banking Regulation Act is applicable to the facts of the case. Conviction for an offence involving moral turpitude disqualifies a person from continuing in service in a bank. The conundrum that arises in this case is whether the conviction of the respondent under Section 324 IPC can be said to be for an offence involving moral turpitude.

9. “Moral Turpitude” as defined in Black's Law Dictionary (6th Edn.) is as follows:

“Moral Turpitude.—The act of baseness, vileness, or the depravity in the private and social duties which man owes to his fellow man, or to society in general, contrary to accepted and customary rule of right and duty between man and man.” [Black's Law Dictionary (6th Edn.) p. 1008.]

“implies something immoral in itself regardless of it being punishable by law”; “restricted to the gravest offences, consisting of felonies, infamous crimes, and those that are malum in se and disclose a depraved mind.” [Id, p. 1517.]

10. According to Bouvier's Law Dictionary, “Moral Turpitude” is:

“An act of baseness, vileness or depravity in the private and social duties which a man owes to his fellow men or to society in general, contrary to the accepted and customary rule of right and duty between man and man.”

11. Burton Legal Thesaurus defines “Moral Turpitude” as:

“Bad faith, bad repute, corruption, defilement, delinquency, discredit, dishonour, shame, guilt, knavery, misdoing, perversion, shame, vice, wrong.”

12. Whether an offence involves moral turpitude or not depends upon the facts [Allahabad Bank v. Deepak Kumar Bhola, (1997) 4 SCC 1 : 1997 SCC (L&S) 897] and the circumstances [Pawan Kumar v. State of Haryana, (1996) 4 SCC 17, para 12 : 1996 SCC (Cri) 583] of the case.

13. Ordinarily, the tests that can be applied for judging an offence involving moral turpitude are:

(a) Whether the act leading to a conviction was such as could shock the moral conscience or society in general;

(b) Whether the motive which led to the act was a base one, and

(c) Whether on account of the act having been committed the perpetrators could be considered to be of a depraved character or a person who was to be looked down upon by the society. [Mangali v. Chhakki Lal, 1962 SCC OnLine All 215 : AIR 1963 All 527]

14. The other important factors that are to be kept in mind to conclude that an offence involves moral turpitude are : the person who commits the offence; the person against whom it is committed; the manner and circumstances in which it is alleged to have been committed; and the values of the society. [Jorabhai Hirabhai Rabari v. Distt. Development Officer, 1995 SCC OnLine Guj 117 : AIR 1996 Guj 3]

15. According to the National Incident-Based Reporting System (NIBRS), a crime data collection system used in the United States of America, each offence belongs to one of the three categories which are : crimes against persons, crimes against property, and crimes against society. Crimes against persons include murder, rape, and assault where the victims are always individuals. The object of crimes against property, for example, robbery and burglary is to obtain money, property, or some other benefits. Crimes against society, for example, gambling, prostitution, and drug violations, represent society's prohibition against engaging in certain types of activities. Conviction of any alien of a crime involving moral

turpitude is a ground for deportation under the Immigration Law in the United States of America. To qualify as a crime involving moral turpitude for such purpose, it requires both reprehensible conduct and scienter, whether with specific intent, deliberateness, wilfulness or recklessness. [Cristoval Silva-Trevina, In re, 24 I&N Dec 687 (AG 2008)]

(Emphasis added)

15. The Madhya Pradesh High Court in **Manoj Choure v. State of M.P.** reported in 2023 SCC OnLine MP 7153 has held that the term moral turpitude has wide connotation and needs to be viewed subjectively. The relevant paragraphs of the judgment are quoted herein-below:

“13. The term moral turpitude is a vague term having different meaning in *different context. The term has a general meaning i.e. contrary to justice, honesty, modesty or good morals in contrary to what a man owes to the society in general.*

14. The Supreme Court in the case of *Pawan Kumar v. State of Haryana*, (1996) 4 SCC 17 has held as under:—

“12. Moral turpitude” is an expression which is used in legal as also societal parlance to describe conduct which is inherently base, vile, depraved or having any connection showing depravity.....”

15. The Supreme Court in the case of *Sushil Kumar Singhal v. Regional Manager, Punjab National Bank*, (2010) 8 SCC 573 : 2010 MPLJ Online (SC) 91 has held as under:—

“25. In view of the above, it is evident that moral turpitude means anything contrary to honesty, modesty or good morals. It means vileness and depravity. In fact, the conviction of a person in a crime involving moral turpitude impeaches his credibility as he has been found to have indulged in shameful, wicked and base activities.”

16. The Madras High Court in **P. Mohanasudaram** (Supra) dealt with a case wherein the person had been convicted of Bigamy. In the present case, there is no conviction for bigamy till date. On this ground alone the judgment is distinguishable from the present case in hand.

17. The show cause notice was issued on February 17, 2025 for appearance on March 10, 2025 and impugned order was passed on February 23, 2025 which makes it evident that the impugned order is passed ex parte without granting any opportunity of hearing which is violative of the principle of natural justice.

18. Furthermore, we are not convinced with the "proof" that has been provided by the authorities to indicate that the petitioner was put to notice. The ex parte order that has been passed suspending the petitioner for a period of 10 years cannot be sustained and countenanced by us.

19. In light of the above, we quash and set aside the impugned order and direct the authorities to provide a proper notice to the petitioner, and thereafter, pass a reasoned order in accordance with law within a period of 12 weeks from date.

20. With the above directions, the writ petition is allowed.

(Manjive Shukla,J.) (Shekhar B. Saraf,J.)

November 27, 2025

Ashutosh