

1954 Present : Rose C.J., Gratlaen J. and Sansoni J.

In re S. M. C. DE SOYZA

In the matter of the Rule on Proctor S. M. C. de Soyza

Proctor—Suspension from office—Courts Ordinance, s. 17.

Proctor suspended from office for three years for issuing false certificates to certain persons enabling them to obtain Emergency or Identity Certificates.

## RULE on a Proctor.

*D. Jansze*, Acting Solicitor-General, with *J. W. Subasinghe*, Crown Counsel, for the Attorney-General.

*C. V. Ranawake*, with *G. T. Samarawickreme* and *A. Nagendra*, for the respondent.

*S. J. Kadirgamar*, with *G. L. L. de Silva*, for the Law Society.

July 19, 1954. ROSE C.J.—

In this matter it is alleged that the respondent, who is a Proctor of the Supreme Court, issued on five separate occasions and to five separate persons certificates under regulations made under the Immigrants and Emigrants Act, No. 20 of 1948.

The respondent admits that in the case of these five persons he issued certificates to the effect that he had known them personally for a period of two years and that from his personal knowledge of them he could vouch for them as being fit and proper persons to receive Emergency or Identity Certificates. He further certified that to the best of his personal knowledge and belief the statements of the applicants and the declarations on the forms were true and that the applicants were citizens of Ceylon.

Now it is relevant to observe that that certificate, in order to be of any use to the person to whom it was issued, had to be signed by a limited class of persons, one of which is an Advocate or Proctor of the Supreme Court, and the certificates in question were signed by the respondent stating that he was a Proctor of the Supreme Court and a Commissioner for Oaths, and the certificates were also accompanied by a rubber stamp to the same effect.

Upon the respondent's own admission it seems to us to be clear, and it is not even seriously contended to the contrary by learned Counsel for the respondent, that he has brought himself within the purview of Section 17 of the Courts Ordinance, and it is merely a matter for us to consider what penalty should be imposed.

It is obvious, and I hope it is unnecessary for us to stress, how entirely undesirable and improper it is for a professional man to issue certificates of this kind which he knows are false and are going to be acted upon by the authorities on the basis that they are true.

We have given careful consideration to the question as to whether we should not strike off the respondent from the Roll of Proctors. In the circumstances, however, and in regard to the number of years that he has practised, we think that justice would be done if we suspend him from the office of a Proctor of the Supreme Court for a period of three years.

The respondent will also pay the costs of these proceedings to the Attorney-General which we assess at Rs. 262·50.

GRATIAEN J.—I agree.

SANSONI J.—I agree.

*Rule made absolute.*