

1936            *Present : Abrahams C.J., Maartensz and Moseley JJ.*

IN THE MATTER OF AN APPLICATION TO BE RE-ADMITTED AND  
RE-ENROLLED AS AN ADVOCATE OF THE SUPREME COURT.

*Advocate—Conviction for cheating—Application for re-admission—Redemption  
of character.*

An Advocate who has been struck off the roll on a conviction for  
cheating may be re-admitted to the profession, where the Supreme Court  
is satisfied that he has redeemed his character.

**T**HIS was an application by an Advocate for re-admission to the  
profession.

*C. Brooke Elliott, K. C. (with him Francis de Zoysa, K. C., and J. R.  
Jayawardana), in support.*

*E. A. L. Wijeyewardene, S.-G. (with him M. F. S. Pulle, C.C.), as  
amicus curiae.* /

October 26, 1936. ABRAHAMS C.J.—

The applicant, who was an Advocate of the Supreme Court, was con-  
victed in April 1920, with another Advocate of the offence of cheating.

He was sentenced to undergo rigorous imprisonment for three years, but in July, 1921, he and his confederate were released from imprisonment by an order of His Excellency the Governor of the day. In 1926 he applied for reinstatement and produced evidence that, since his release from prison, he had led an honest life and had endeavoured to conduct himself in all his undertakings, commercial and social, in a manner which, he submitted, fitted him for reinstatement in his profession. The decision of the Court was postponed until December, 1938, pending inquiries from the Inns of Court in England as to the practice of the Inns in reinstating Barristers who had been disbarred. The hearing is reported in 30 *N. L. R.* p. 299. Schneider A.C.J. in giving the decision of the Court and holding that the Supreme Court had power to allow an application for reinstatement said, "I regard the application premature as I considered that although his conviction might have had the salutary effect of awakening in the applicant a higher sense of honour and duty, the period during which his conduct is testified to by the certificates as having been irreproachable was not long enough to be deemed to be a guarantee sufficient for him to be safely entrusted once again with the affairs of clients and admitted to an honourable profession without that profession suffering degradation". The other members of the Court concurred. It would appear now that the reason why the application was not then and there granted was because the learned Judges of the Court composing the Bench on that occasion were of the opinion that the probationary period had not been sufficiently long for the Court to hold that the applicant had rehabilitated his character. Since then nearly eight years have elapsed and the applicant is once more before us and has produced additional evidence of his conduct during that period.

The Solicitor-Général has quite properly put before us the facts of the case which led to the conviction of the applicant. Undoubtedly the offence was bad as is evidenced by the term of imprisonment to which he was sentenced and the term which he actually served. But I do not think that we can now say that the case was so bad that under no circumstances could we admit the applicant to the ranks of the profession. Nor do I think it would be fair to extend the probationary period further. It would be far better that we should do one thing or the other now. We should of course be very careful in admitting to the profession—members of which should observe the highest standard of honour and trustworthiness—a man who has been guilty of a crime of dishonesty. But that is not to say that character once lost cannot be redeemed. It therefore follows that if we are of the opinion that the applicant has redeemed the past it would be unjust to prevent him from once more earning his living in the profession for which he is qualified.

I am of the opinion that this application should be granted and that the applicant should be re-admitted to the profession of an Advocate of the Supreme Court.

MAARTENSZ J.—I agree.

MOSELEY J.— I agree.

*Application allowed.*