

**Before the Chief Returning Officer, Jharkhand State Bar Council,  
Ranchi**

Mrs. Ritu Kumar, Advocate. .... Complainant

Versus

Mr. Mahesh Tewari, Advocate ..... Opposite Party

**Order**

**Date : 24.4.2026**

An application has been filed by Mrs. Ritu Kumar, bringing on record the judgment rendered by Sri Sarthak Sharma, learned Judicial Magistrate, 1<sup>st</sup> Class, Ranchi dated 30.3.2026 holding Sri Mahesh Tewari, Advocate guilty of offence punishable under section 341, 323, 353, 354, 504 and 506 IPC in connection with Doranda P.S. Case No. 191 of 2012 corresponding to G.R. 2297 of 2012 and thereby sentencing him to undergo SI for 2 years for offence under section 354 IPC alongwith fine of Rs. 10000/- in default of payment of fine, he has further been directed to undergo SI for 2 months for the said offence. The learned Judicial Magistrate has further sentenced Mr. Tewari for the offences under section 341, 323, 504, and 506 IPC.


Mr. Mahesh Tewari is contesting election for being elected as a member of Jharkhand State Bar Council. The judgment of conviction and order of sentence was passed while counting process was going on.

The undersigned vide order dated 8.4.2026 passed an order that since the counting process was in progress, counting was to continue. The office was directed to place the record after completion of counting process and before publication of the result.

Vide order dated 21.4.2026, it appears that after the counting of votes of Mr. Radhey Shyam Goswami, Sri Mahesh Tewari achieved the quota of 676.55 votes. It further appears from the record that Mrs. Ritu Kumar had also represented before the Chairman of Jharkhand State Bar Council bringing the aforesaid judgment of conviction and order of sentence against Mr. Mahesh Tewari.

Mr. Rajendra Krishna, Chairman, Jharkhand State Bar Council by his order dated 4.4.2026 suspended the license of Mr. Tewari for a period of 2 years from the date of passing of the order of conviction taking into consideration the provision of Section 24-A of the Advocates' Act and the ratio laid by Hon'ble Supreme Court of India in the case of Mahipal Singh Rana Versus State of UP reported in 2016 (SCC)8 SCC 355.

Vide order dated 21.4.2026, the undersigned has issued notice to Mr. Mahesh Tewari to file an explanation in the light of his conviction and sentence in the aforesaid case.

 Mr. Mahesh Tewari has filed a written reply to the notice. He also appeared in person and pleaded his case before the undersigned.

For the ends of justice, the undersigned also directed the office of Jharkhand State Bar Council to inform the complainant Mrs. Ritu Kumar to appear for proper assistance.

Mr. Mahesh Tewari during course of his argument submitted that provision of Representation of People Act 1951 will not be applicable as the provision of Advocates Act and Bar Council of India Rules have been framed specifically for this purpose and only such rules will prevail. He has stated that Rule 2 (e) of Bar Council of India Rules provides as under:

2. The name of an advocate appearing in the state roll shall not be on the electoral roll, if on information received or obtained by the State Bar Council concerned on the basis of which it is satisfied that-

2 (e):- he is convicted by a competent court for an offence involving moral turpitude, provided but this disqualification shall cease to have effect after a period of two years has elapsed since his release”.

He has further drawn the attention towards the Rule 10 of the aforesaid rule as under:

10(a) if he is suspended from practice, or his name is removed from the roll by an order of a competent authority or for any reason whatsoever he ceases to be an advocate.

Attention has also been drawn towards section 41 of the aforesaid Rules which relates to the election of candidates who has achieved the requisite quota and finally he has relied on the Rule 48 and Rule 49 of the aforesaid rule which deals with determination of result and publication thereof.

Mr. Mahesh Tewari submitted that the order of Chairman of Jharkhand State Bar Council dated 4.4.2026 by which his license was suspended for a period of 2 years from the date of passing of

judgement of conviction, was challenged by him before the Hon'ble High Court of Jharkhand vide W.P.(C) No. 2801 of 2026 in I.A. No. 5195 of 2026 and Hon'ble Single Judge vide order dated 21.4.2026 has stayed the order of suspension of his licence passed by the Chairman of Jharkhand State Bar Council. The aforesaid order is on the record.

From perusal of the order, it appears that the Hon'ble Single Judge has held at para-6

*6. Thus, the main issues, which need to be deliberated and addressed is (i) whether Chairman, himself alone can be said to be the Bar Council; and (ii) whether he has power to adjudicate and take a disciplinary action against any advocate, even if the advocate is convicted in a criminal case? Another question which also will fall for consideration is that even if an advocate is convicted in a criminal case, whether he needs to be noticed and heard before passing any disciplinary order against him and if the answer is yes, who is the authority to do so; whether it will be the Chairman or the Disciplinary Committee of the Bar Council?*

Mr. Mahesh Tewari has further submitted that the undersigned has no jurisdiction to disqualify him once he has achieved the requisite votes for being elected as a Member of Jharkhand State Bar Council.

Mrs. Ritu Kumar, Advocate has appeared in person and she has relied upon the Rule 4 of BCI Rules (Amended), 2023<sup>which</sup> was notified on 29.10.2025. It reads as under:

*4. Disqualification for being a member of State Bar Council (s) and Bar Council of India*

*An Advocate for being a member of any Bar Council should not have been punished by any Disciplinary Committee and/or should not be a convict....*

She submitted that if a person who is contesting election and is convicted in a case, cannot be a member of any Bar Council(s). According to her, this Rule has specifically provided that a person who is convicted cannot be declared as elected member, as, if, he is declared to be elected, he automatically becomes a member of Bar Council so according to her, this rule bars that Mr. Mahesh Tewari be declared to be elected in ongoing election.

From the aforesaid facts and circumstances, it is evident that Mr. Tewari has been held guilty of an offence under section 354 IPC and has been sentenced to undergo simple imprisonment for 2 years alongwith fine in connection with Doranda P.S. Case No. 191 of 2012, while the counting process was going on.

The Hon'ble Single Judge of Jharkhand High Court vide his order dated 21.4.2026 passed in W.P (C) No. 2801/2026 has stayed the order of suspension of Mr. Mahesh Tewari dated 4.4.2026, passed by the Chairman, Jharkhand State Bar Council specially on the ground that the power to adjudicate and take a disciplinary action against any advocate, even if the advocate is convicted in a criminal case lies with the State Bar Council. The Hon'ble Court has fixed the case for further hearing to decide whether the Chairman of Jharkhand State Bar Council is himself a Bar Council. The Hon'ble Court has also held that the aforesaid order was passed without giving notice to Mr. Mahesh Tewari.

The issue before me, is that:

- i. Whether Mr. Mahesh Tewari can be disqualified in the present election, in view of his conviction and sentence passed by a competent court under section 354 IPC sentencing him to undergo SI for 2 years along with fine.
- ii. Whether the order passed by the Hon'ble Single Judge of Jharkhand High Court in W.P (C). 2801/2026 binds the undersigned from passing any adverse order against Mr. Mahesh Tewari.

The order of the Hon'ble Single Judge of High Court of Jharkhand, Ranchi passed in W.P (C) No. 2801/2026 has been passed staying the order of suspension of licence of Mr. Mahesh Tewari passed by the Hon'ble Chairman, JSBC on the ground that the power to suspend the licence of any advocate lies with Jharkhand State Bar Council and not with the Chairman and he alone cannot adjudicate and take disciplinary action against any advocate even if advocate is convicted in a criminal case.

The issue before the undersigned is not about the suspension of licence of Mahesh Tewari. It is with regard to the fact whether his candidature can be cancelled or not in the light of aforesaid judgment of conviction and order of sentence.

The Rule 2 (e) of BCI Rules specifically provides that if an advocate is convicted by a competent court for the offence involving moral turpitude, his name shall not be on the electoral roll for a period of two years from the date of his conviction and order of sentence.

From perusal of rules, it is clear that from date of conviction of Mr. Mahesh Tewari, his name shall not be on the electoral roll of Jharkhand State Bar Council. This order regarding removal of name of Mr. Tewari from the electoral roll has to be passed by the Jharkhand State Bar Council. Now the question which further arises is that once the Jharkhand State Bar Council is constituted, will this body have discretionary power to go against the provision of section 2 (e) of BCI Rules and allow the name of Mr. Tewari to continue on the electoral roll.

The Rule 4 of the Amended rule of BCI, 2023 which come into effect from 29.10.2025 specifically provides that for being elected member of Bar Council (s) and Bar Council of India, an advocate should not be a convict. If, Mr. Mahesh Tewari is declared to be elected, he will automatically become a member of Jharkhand State Bar Council which is barred by the aforesaid rule. Accordingly, Mr. Mahesh Tewari, Advocate cannot be declared to be elected as being member of Jharkhand State Bar Council as he became disqualified from the date of his conviction.

The question whether the undersigned can hold the result of election of Mahesh Tewari by disqualifying him from the electoral process. Needs an answer.

✓ The result of election of Jharkhand State Bar Council has been declared. Unless the fresh Jharkhand State Bar Council is constituted, the undersigned who has been appointed as Chief Returning Officer has to take decision on the complaint which has been filed before him and it cannot be said that the Chief Returning

Officer has no jurisdiction to pass any order on the complaint made before him.

Today, the entire counting process has culminated and 17 male candidates in general category and 5 women candidates have been declared to be elected out of 23. The candidature of Mr. Mahesh Tewari, Advocate is annulled. Mr. Prayag Mahto who was next in queue is being declared as elected and he shall be inducted as a member of Jharkhand State Bar Council.

In view of the amended Rule 4 of Bar Council of India Rules, 2023 dated 29.10.2025, this order will come into effect after three days which is time fixed for filing an appeal before the appropriate authority.



24.04.26

**(Ambuj Nath)**  
**Former Judge, Jharkhand High**  
**Court, Ranchi**  
**Chief Returning Officer,**  
**Jharkhand State Bar Council**