

Para 14: When an advocate makes statement before the Court, it is assumed that it is made in his capacity as the officer of the Court and not an effort to get a favourable order by suppressing the material fact or binding precedent. Large number of matters involving intricate questions of law are often disposed of by Courts on the basis of the statement made by the advocate appearing for the parties. Normally the statement of advocate being officer of the Court is accepted as true and correct. **Notwithstanding the easy availability of numerous legal software for research, reliance was placed upon a judgment of this Court which was passed without noticing earlier Full Bench judgment. This is akin to relying on an overruled judgment which results in a waste of judicial time. We are of the view that in a given case, it may be due to negligence of the advocate, but the consequences would be an erroneous judgment having precedential value, possibly requiring constitution of Larger Bench to correct the error of law which crept in due to failure on the part of the advocate to perform his duty.** Such failure in duty is a wrong against the justice delivery system in the country. **We reiterate the duty of the advocate, at all levels, to double check and verify position of law and facts of the case before making any presentation to the Court.** Time has come that message must be sent to each of the advocate playing vital role in justice delivery system to be responsible and careful in what he presents to the Court. As a responsible officer of the Court, the advocate owes a duty to the Court. He has to be fair to ensure that justice is done.

Para 15: It is the duty of advocate to bring to the attention of the Court all the relevant precedents and orders, whether for or against his client's case. **He must never be a party to deceiving the Court, even if his client would obtain some advantage or favourable order.** Advocates are a class with a unique complex of duties to their clients and to the Court. **An advocate cannot have regard solely to the instructions or even always to the narrow interests of his client. Quick decisions must be reached in Court and an advocate should not be inhibited from taking a free and independent decision, even against immediate instructions, and should not be afraid of freely meeting his obligations. ...**

Asgar Sheikh V/s Jail Superintendent 2021 SCC OnLine Bom 931