

Dr. Dilip Kumar Kundu

Appellant

v.

The General Medical Council

Respondent

FROM

THE PROFESSIONAL CONDUCT COMMITTEE
OF THE GENERAL MEDICAL COUNCIL

ORAL JUDGMENT OF THE LORDS OF THE JUDICIAL
COMMITTEE OF THE PRIVY COUNCIL, DELIVERED THE
8TH MARCH 1989

Present at the hearing:-

LORD KEITH OF KINKEL
LORD TEMPLEMAN
LORD ACKNER

[Delivered by Lord Keith of Kinkel]

Their Lordships have given very careful consideration to this case. They have come to the conclusion that in all the circumstances the sentence of twelve months' suspension, which was the maximum which could be imposed, was longer than was reasonable. Dr. Kundu had been convicted of two offences only of making an untrue statement for the purpose of procuring a passport. He had been fined £5,000 and he had, of course, been sentenced to six months' imprisonment suspended for twelve months. He was of previously unblemished character.

Having regard to these considerations, their Lordships have come clearly to the conclusion that the Committee must have misdirected itself as to the seriousness of the professional misconduct to which the appellant pleaded guilty. Their Lordships will therefore humbly advise Her Majesty that this appeal should be allowed to the extent of varying the sentence of twelve months' suspension to six months.

The respondent must pay the appellant's costs.

