

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR
&
THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR
Friday, the 26th day of July 2024 / 4th Sravana, 1946
CONTEMPT CASE (CRL.) NO. 6 OF 2023(S)

SUO MOTU

SRI.PAUL KURIAKOSE K, ADVOCATE

RESPONDENTS:

1. ADV. SOJAN PAVANIOS, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
2. ADV. BENNY KURIAN, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
3. ADV. K.A. PRASAD, PRESIDENT, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
4. ADV. TOMY K. JAMES, SECRETARY, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
5. ADV. M.P. THANKOM, VICE PRESIDENT, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
6. ADV. ANU STEPHEN, JOINT SECRETARY, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
7. ADV. JOSHY CHEEPPUNKAL, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
8. ADV. MANU J. VARAPPALLY, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
9. ADV. ABHISHEK R, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
10. ADV. BAIJU THOMAS, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
11. ADV. N. GOPALAKRISHNAN, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
12. ADV. JAYAPRAKASH V, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
13. ADV. MANU TOM THOMAS, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
14. ADV. MUHAMMAD SIRAJ, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
15. ADV. RICHU THARIAN REJI, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
16. ADV. TOM K JOS, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
17. ADV. THOMAS JOSEPH, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
18. ADV. ALEX P. RAJU, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
19. ADV. RAHUL SUKUMARAN, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
20. ADV. VISHNU MANI, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
21. ADV. JAMES K. PETER, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
22. ADV. AJAYAKUMAR K. G, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
23. ADV. AJITHAN NAMPOOTHIRI C. S, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
24. ADV. AJITHKUMAR S, MEMBER, BAR ASSOCIATION, KOTTAYAM, ENROLL NO. K.925/2012, PIN - 686 002
25. ADV. ANUPA DAS, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
26. ADV. BINDHU ABRAHAM, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
27. ADV. ANAGHA J, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
28. ADV. AMALU ELIZABETH, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002
29. ADV. GEORGE K. M, MEMBER, BAR ASSOCIATION, KOTTAYAM, PIN - 686 002

P.T.O.

ADV. SOJAN PAVANIOS, PARTY IN PERSON FOR R1
SRI.P.VISWANATHAN (SR.ADV.) ALONG WITH ADVS. M/S AJITH VISWANATHAN,
BALRAM S.A & ANIL D. KARTHA FOR R2.
SRI.T. KRISHNANUNNI (SR. ADV.) ALONG WITH
ADV. SRI.ANANTHAKRISHNAN A. KARTHA FOR R3 & R4.
ADVS. M/S. KAROL MATHEWS SEBASTIAN ALENCHERRY, MATHEW DEVASSI,
ANANTHAKRISHNAN A.KARTHA FOR R5, R6, R10, R11, R14,
R16, R21, R26 & R27.
SHRI. P. VIJAYABHANU (SR. ADV.) ALONG WITH ADVS. M/S. RAFIQ P.M,
M.REVIKRISHNAN, AJEESH K.SASI, SRUTHY N. BHAT, RAHUL SUNIL,
SRUTHY K.K, NIKITA J. MENDEZ FOR R7.
SRI.T.SETHUMADHAVAN (SR.ADV.) ALONG WITH
ADVS. M/S. KAROL MATHEWS SEBASTIAN ALENCHERRY,
ENOCH DAVID SIMON JOEL, S.SREEDEV, RONY JOSE, LEO LUKOSE,
DERICK MATHAI SAJI, KARAN SCARIA ABRAHAM FOR R8, R12, R22 TO R25 & R29.
SRI. JOSEPH KODIANTHARA (SR.ADV.) ALONG WITH
ADVS. M/S. KAROL MATHEWS SEBASTIAN ALENCHERRY,
ENOCH DAVID SIMON JOEL, S.SREEDEV, RONY JOSE, LEO LUKOSE,
DERICK MATHAI SAJI, KARAN SCARIA ABRAHAM FOR R9, R13, R15, R17 TO R20.
ADVS. M/S. TOM JOSE (PADINJAREKARA) & K.T. SEBASTIAN FOR R28.
SRI. K. GOPALAKRISHNA KURUP, ADVOCATE GENERAL

This Contempt of case (criminal) having come up for orders on
26.07.2024, the court on the same day passed the following:

P.T.O.

P.B.SURESH KUMAR & C.PRATHEEP KUMAR, JJ.

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Dated this the 26th day of July, 2024

ORDER

P.B.Suresh Kumar, J.

This Contempt Case (Crl.) is initiated *suo motu* by this Court, invoking Section 15(2) of the Contempt of Courts Act, 1971, and Article 215 of the Constitution of India, by treating the information in Annexure B report dated 23.11.2023 of the Chief Judicial Magistrate, Kottayam, as an 'information' under Rule 7 of the Contempt of Courts (High Court of Kerala) Rules (the Rules), in respect of an unruly incident that unfolded in the court of the Chief Judicial Magistrate, Kottayam and its immediate precincts on 23.11.2023. Along with Annexure B report, a list mentioning the names of lawyers who were involved in the said incident, was also furnished. The incident has been recorded by the Chief Judicial Magistrate in the proceedings dated 23.11.2023 in C.C. No.432 of 2019 on the files of the court, which reads thus:

“.....When this case is taken up, a group of marching advocates entered the court room and shouted slogans against me. The President of Kottayam Bar Association and Secretary were present among them. They were around 200 in numbers Advocate Sri. Sojan Pavianiyos and Advocate Sri. Benny Kurian who are leading them stood in front of the dias and asked me to take action to proceedings against the Adv.

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Sri. Navab against whom FIR was registered by the police on the complainant of Sheristhadar of this court. When I was about to reply them, they did not listen to me. On the other hand they shouted at me and left the office shouting (Po pulle podi pulle CJM ye). At 11.00 am, they were marching on the varanda of CJM Court shouting slogans using abusive words. Two videographers are with them and of them one is seen taken the video of court proceedings. The police aid tried to prevent the same, the advocates turned against the police aid. It was thereafter that the advocates entered the court room and made a melee and thereby interrupted the court proceedings for about 5 to 8 minutes.....”

After the preliminary hearing, on being satisfied that a *prima facie* case of criminal contempt has been made out, this court issued notice to the respondents.

2. On receipt of notice, the respondents, except the first respondent, entered appearance through counsel and the first respondent appeared in person. On 15.12.2023, this Court dispensed with the personal presence of the respondents.

3. On 10.7.2024, when the matter was taken up, all the respondents who appeared through counsel submitted that they have tendered unconditional apologies, and prayed for orders to discharge them from the proceedings. On a perusal of the unconditional apologies submitted by the said respondents, it was found that the same were not in accordance with Rule 14(a) of the Rules. On 18.07.2024, learned counsel appearing for the said

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respondents submitted that their clients have submitted fresh apologies in accordance with Rule 14(a) of the Rules.

4. We have perused the apologies submitted by respondents 2 to 29, and we are satisfied that the apologies submitted by the respondents conform to Rule 14(a) of the Rules. But, having regard to the fact that use of improper language towards Judges is frequent, this court is of the view that the respondents ought not be allowed to get away by merely offering sorry by way of an apology as the easiest way. As noted, the respondents have gone to the extent of shouting slogans and hurling abusive as also derogatory remarks at the Chief Judicial Magistrate inside and outside the court hall, apart from interrupting the ongoing court proceedings. The incident, therefore, is one which interfered with the administration of justice and tended to lower the authority of the court. In the circumstances, this court may not be justified in discharging the respondents, solely based on the unconditional apologies tendered by them. Rule 14(a) of the Rules confers power on this court to pass such orders as it deems fit, if the respondent tenders an unconditional apology, after admitting that he/she has committed contempt. When the learned counsel for respondents 2 to 29 were put to notice by this court as to whether they are willing to render free legal aid to the poor and needy for purging the contempt committed by them, all of them unanimously

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agreed that they have no objection in doing so, provided the same will not affect their right to practice, in any manner. In the circumstances, in the peculiar facts of this case, we deem it appropriate to accept the unconditional apologies tendered by respondents 2 to 29 and purge the contempt committed by them based on the undertaking that they shall offer their services to the District Legal Services Authority, Kottayam for free legal aid to the poor and needy, for a period of six months from today. Ordered accordingly. The Secretary, District Legal Services Authority, Kottayam shall assign legal aid work to respondents 2 to 29 during this period, keep a record of the matters entrusted to them, observe the result/progress made in those matters and submit a report before this court, on the expiry of the period of six months. It is, however, made clear that this order will not preclude in any manner, the right of respondents 2 to 29 to continue practising as lawyers or to pursue any career on the strength of their qualification and experience at the Bar.

Sd/-
P.B.SURESH KUMAR, JUDGE.

Sd/-
C.PRATHEEP KUMAR, JUDGE.

Mn

APPENDIX OF CONT.CAS.(CRL.) 6/2023

Annexure B

**COPY OF LETTER DATED 23/11/2023 OF THE CHIEF JUDICIAL
MAGISTRATE, KOTTAYAM ALONG WITH LIST OF ADVOCATES
FORWARDED FROM THE CHIEF JUDICIAL MAGISTRATE AND
CORRECTED LIST DATED 25/11/2023.**

