

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON	:	24.11.2021
DELIVERED ON	:	17.12.2021

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CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH  
and  
THE HON'BLE MRS. JUSTICE R. HEMALATHA

*Suo Motu* CrI. Contempt Petition No.766 of 2021

High Court of Madras  
Chennai 600 104

Petitioner

vs.

Mr. R. Krishnamurthy  
Advocate  
Supreme Court of India  
No.214, New Lawyers Chambers  
M.C. Setalwad Block  
Supreme Court of India Campus  
New Delhi 110 001

Respondent/  
Alleged Contemnor

*Suo Motu* Criminal Contempt Proceedings initiated against the alleged contemnor as per order dated 18.06.2021 passed in CrI.O.P. No.10387 of 2021 in Cr. No.192 of 2021 *vide* ROC No.2761/2021/OS.

For petitioner

Mr. Vijay Shankar

For respondent/  
alleged contemnor

Mr. R. Krishnamurthy/Party-in-person

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## ORDER

**P.N. PRAKASH, J.**

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The instant *suo motu* criminal contempt proceedings has been initiated against Mr.R. Krishnamurthy, the respondent herein, pursuant to an order dated 18.06.2021 passed by M. Dhandapani, J. in CrI.O.P. No.10837 of 2021 *vide* ROC No.2761/2021/OS.

2 The facts in brief leading to the initiation of the present *suo motu* criminal contempt proceedings are as under:

2.1 During the lockdown period owing to COVID-19 pandemic, on 06.06.2021, the police stopped a car which was driven by one Preeti Rajan, a IV year law college student and questioned her and asked her if she has the requisite pass for moving outside, which was necessary then. An altercation is said to have ensued between the said Preeti Rajan and the police and the latter challaned the former, for violation of lockdown conditions. Soon, Preeti Rajan's mother Tanuja Rajan, Advocate, came to the place in her car and is said to have abused and berated the police in public gaze, which was captured in video and was widely circulated in the social media.



**2.2** In connection with this unsavory incident, a case in G-7 Chetpet

Police Station Crime No.192 of 2021 was registered against Tanuja Rajan and Preeti Rajan by the police. Apprehending arrest, the mother-daughter duo filed a petition for anticipatory bail in the Court of Session, Chennai, which was dismissed. Thereafter, they filed CrI.O.P.No.10387 of 2021 in the High Court, seeking anticipatory bail under Section 438 Cr.P.C. The said anticipatory bail petition was heard *via* video conferencing by Justice M. Dhandapani on 15.06.2021.

**2.3** While so, the respondent, who claims himself to be an Advocate of the Supreme Court, but, was not the counsel on record for the accused in the anticipatory bail petition, was present in the hearing of the case by video conferencing.

**2.4** During the hearing on 15.06.2021, the learned Judge, observing that the issue involved in the said petition had a larger ramification with regard to the conduct of the members of the legal fraternity, *vis-a-vis*, the officials of the Government, and that the Bar Council of Tamil Nadu and Puducherry, being the regulatory authority for the legal profession and also the authority concerned for



taking action against its errant members, impleaded them as a party respondent in the criminal original petition. The Bar Council was directed to file a status report,

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stating the mechanism that is in place for taking action against the members of the legal fraternity and also the action that has been taken against such of those advocates, who have misbehaved in public places with the officials on duty. Further, the learned Judge appears to have ventilated certain grievances orally at the deteriorating standards of the legal profession and thereafter, adjourned the case to 17.06.2021, for further hearing.

**2.5** After the hearing on 15.06.2021 was over, the respondent has recorded his own monologue on his mobile phone, attacking the learned Judge personally, and has circulated the same widely on WhatsApp.

**2.6** On this audio recording, the learned Judge has, by order dated 18.06.2021, directed initiation of *suo motu* proceedings for criminal contempt against the respondent, under the Contempt of Courts Act, 1971.



2.7 The Hon'ble Chief Justice directed the matter to be placed before the

Bench concerned. Cognizance was taken, notice was issued to the respondent and

the respondent appeared in person on 01.09.2021.

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3 The free English translation of the speech of the respondent, imputing motives against the learned Judge, which made the latter direct the Registry to initiate *suo motu* criminal contempt proceedings against the respondent, is as under:

"R.Krishnamurthy, Advocate, Supreme Court of India, is once again with you. A humble and respectful request to the Hon'ble Mr.Justice, His Lordship M.Dhandapani, Judge, High Court of Madras, on behalf of advocate fraternity. Today, the anticipatory bail petition pertaining to advocate Tanuja and her daughter, 4<sup>th</sup> year student, Dr.Ambedkar Law College, came up before your VC Court, as item No.52. In the said hearing of the case, you are not ready to hear even the arguments of D.Selvam, former chairman BCI, and present member of BCI. In the beginning itself you started saying that, "I don't know anything, and I don't have general knowledge". So it is clearly revealed that you had a predetermined and preoccupied mindset. As far as the case is concerned, you have not taken into consideration as to the sections therein, i.e. 294 (b), 269, 270, 290, 51 (b) of Disaster Management Act, 353, 506 (i); which sections are bailable and non bailable in that, what are all the parameter for granting anticipatory bail in this case, whether custodial interrogation is required in this case. Arnesh Kumar judgment stipulates that arrest is not necessary for the offences (warranting punishment) below 7 years. In all other states, it is being implemented, only after sending summons. You should also take that into consideration. You termed the entire advocate fraternity as unruly advocates. Such a statement has disheartened the service minded and dedicated advocates like us. You are terming the entire advocate fraternity as unruly advocates and that you had stated that unruly advocates had come. There may be some persons. You were also an advocate, then became a Government Advocate, law officer and then only you have been elevated



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as Hon'ble Judge. You could not have become a Judge, if you had not been an advocate. Forgetting that and addressing the entire advocate fraternity as unruly advocates, cannot be accepted by the Supreme Court advocates, like us. If you think the behaviour of that woman/daughter as unruly, you may term them so. As far as the bar council is concerned, what is professional misconduct? It is between the advocates and the litigants. Right now, what are you going to say about unruly police. If it is put forth, you are saying that this is not a public platform. Have you gone blind about the murder incident of father son duo, by dishonest/ rogue policemen of Sathankulam. Have you gone blind to the atrocities of the police during the lockdown under the guise of strange/novel punishment. All custodial tortures are termed as casual false. A PIL has to be filed therefor. The incident of breaking hands and legs are going on taking place, for which, I am planning to file a PIL that JM should not take up these cases. Is that not visible to your eyes? Even now, the police attached to flower bazaar Police Station, have only been placed under suspension for the theft committed by them in jewellery shop. Even FIR was not registered. Is that not visible to your eyes? So, are you saying that there are no unruly policemen? Why do you address the entire advocate fraternity as unruly advocates? My Lord, it is denigration, derogation and defamation to us. My Lord, this statement made by you hurt us to a great extent. If you wish, you may call those two persons. In your view, you have the power. You may address Tanuja and her daughter as unruly behaviour. Why do you condemning the entire advocate fraternity. Whether the advocates are treated respectfully as Court Officers, in the police station? Are you not aware that previous enmity seems to be prevailing between the advocates and the police. Your Lordship condemning the entire advocate fraternity and terming our behaviour as unruly, has caused defamation to us. You may address them, I have no objections. Why do you observe other advocates, My Lord, the Judge. Even in Supreme Court, they will not act in such a manner, My Lord. If you want, you may say that they had caused disreputation to the entire advocate fraternity. If you ask what is the mechanism for the unruly advocate, unruly behaviour, then you shall also ask as to what is the mechanism for unruly police. So, My Lord, it is our view that you have taken into consideration, the cross on only one side. "Butter in one eye, slaked lime in another". My Lord, consider both the sides. If you ask as to what is the mechanism for unruly advocate, then you shall call the DGP and ask as to what is the mechanism for the unruly police, Your Honour, My Lord. Therefore, My Lord, as far as this case is concerned, you are biased. It is clearly revealed, that Your Lordship Mr.Justice M.Dhandapani is biased, unilateral and is in favour of the police department.



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Therefore you shall recuse yourself from this case, My Lord. I had sent a petition to the Hon'ble The Chief Justice of Madras High Court, His Lordship Mr.Justice, Sanjib Banerjee, the petition filed by Louisal Ramesh, requesting to refer this case to some other honorable portfolio; honest, honorable portfolio Judge. Therefore, it is categorically and clearly evident and imminently transparent that you are biased and prejudiced. Both sides should be evaluated. That is the duty of the Judge. Hon'ble Judge, you are traversing in a biased manner. You have leaned towards one side. You told "you had arranged an amount, not in thousands but in lakhs" and asked to give the same for COVID relief. Lordship, this is an onerous condition. There are several citations of Supreme Court, that onerous conditions should not be imposed while granting bail/anticipatory bail. You may observe them and condemn them in your examination, but you shall not condemn the entire advocate fraternity. You should not term the entire advocate fraternity as unruly. If it is observed in the order, I need to go to the Supreme Court and file SLP only to expunge the same. Since you have acted in a biased manner, I once again humbly and most respectfully submit that you shall recuse from this case. It has caused mental agony to entire advocate fraternity and affected their state of mind. My Lord, it caused injury/insult/defamation/denigration/ derogation. I know your nature while you were an advocate, an officer. Hon'ble Judge; I feel very bad. Having got hurt by the words uttered by you, My Lord, I am feeling the pain. I express my anxiety. Jai hind! Live long."

4 A copy of the above translation was furnished to the respondent along with the charges framed against him on 30.09.2021, which are as under:

(a) That, you, R.Krishnamurthy, Advocate, by circulating the above speech, has scandalised the Court of Honourable Mr.Justice M.Dhandapani and thereby, you are charged for the said act under Section 2(c)(i) of the Contempt of Courts Act, 1971, which is punishable under Section 12, *ibid.*;

(b) That, you, R.Krishnamurthy, Advocate, by circulating the above speech during the pendency of the case, has interfered with the due course of the judicial proceedings in CrI.O.P.No.10387 of 2021 and thereby, you are charged for the said act under Section 2(c)(ii) of the Contempt of Courts Act, 1971, which is punishable under Section 12, *ibid.*; and

(c) That you, R.Krishnamurthy, Advocate, by circulating the above speech during the pendency of the case, has interfered with the administration of justice



and thereby, you are charged for the said act under Section 2(c)(iii) of the Contempt of Courts Act, 1971, which is punishable under Section 12, *ibid*.

When questioned, the respondent pleaded “not guilty”.

**5** In response to the aforesaid charges, the respondent filed a reply affidavit dated 05.10.2021, wherein, at paragraphs 6 to 8, he has stated as under:

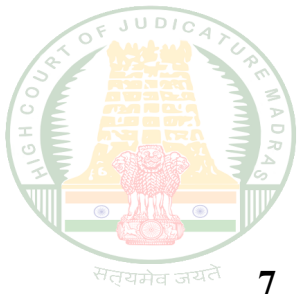
“6. I humbly further submit that in the present case, out of sudden provocation to safeguard and protect Advocate fraternity from scurrilous attacks, very decently, dignifiedly, reputedly with utmost Honour like a S.L.P. drafting. After hearing on 15.06.2021, I have circulated the audio speech in the WhatsApp. It was neither willful nor wanton and intentional. Of course, there is a be little aberrations in our fraternity but not all of us.

7. I humbly further submit that I have remorse and repentance with a heavy heart and genuine, sincere regret, I am drafting this affidavit and filing before this Hon’ble Court. I am now turning to your Lordships, the Temple of justice with sincere regret/remorse in genuine repentance and faith.

8. I humbly further submit that from the day of the present case proceedings by this Hon’ble Division Bench, I am tendering my unconditional apology. This apology is not only *bona fide* but also comes from my deepest part of my Heart. Even I can say that it comes from MY SANODE, the solemn place from where my heartbeat initiates.”

**6** A complete reading of the respondent’s reply affidavit shows that he has alleged that the learned Judge had condemned the entire legal fraternity during the hearing of the anticipatory bail application in Crl.O.P.No.10387 of 2021 and since he felt hurt, he recorded the audio speech and circulated it on 15.06.2021. Thus, he has not denied the fact that he had recorded the aforesaid speech in Tamil and circulated it in the WhatsApp, thereby placing it in the public domain.





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7 The question for consideration in this contempt petition is, in the light of the proviso and explanation to Section 12 of the Contempt of Courts Act, should the respondent be discharged from this case, to determine which, it is imperative for us to discuss the background in which he had made the imputations in the impugned speech.

8 First and foremost, the respondent claims himself to be an advocate enrolled in the Bar Council of Kerala and a Supreme Court practitioner. In his reply affidavit dated 05.10.2021, he has affixed his seal which reads as under:

“ADV. R. KRISHNAMURTHY  
ADVOCATE-SUPREME COURT  
K/16/2010/R-609 (SCBA)/L.No.2170  
C/o. Bindu,  
214, New Lawyers Chambers, Supreme Court Campus  
New Delhi, 110 001  
Cell: 63812 29230/95994 21437  
Email: advrkmurthy@gmail.com”

To reiterate, he was not the counsel for the parties in the anticipatory bail application that was heard by the learned Judge.

9 At this juncture, we would like to pause for a moment and say a few words on the conduct of Tanuja Rajan, Advocate and her daughter Preeti Rajan, a Law student, (the petitioners in the criminal original petition before the learned



Judge) towards the police, which is also available in the public domain. The way

Tanuja Rajan was abusing the lady police officer and not permitting her to discharge her duty, would make any right-thinking citizen shudder and hang his head in shame.

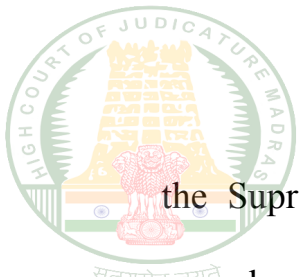
**10** What did the police do? The police stopped the car of Preeti Rajan and asked her whether she has the necessary mandatory COVID-19 permit for moving around the town which was required during the second wave of the COVID-19 pandemic. Had Preeti Rajan behaved politely, the police might have even let her off. Instead, she called her mother Tanuja Rajan over mobile phone and the latter came to the place and behaved in a manner unbecoming of an advocate. Those video clippings became viral not only in social media, but were also telecast in various TV channels. Therefore, when the anticipatory bail application of Tanuja Rajan and Preeti Rajan came up for hearing before the learned Judge, out of sheer frustration, the learned Judge would have given vent to his feelings. All Judges, from a Magistrate to Judges of the Supreme Court, including us, have come from the Bar and have not descended from the heavens nor have been imported from other countries. We are, therefore, grateful to the institution called the Bar, which has catapulted us to various judicial offices. We



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look upon the Bar as an independent and fearless body that would protect the judiciary when the judiciary is vilified and targeted by others. However, when we come across members of the Bar getting involved in unsavoury incidents, our paternal instinct is bound to make us exhibit our anguish and concern publicly. Statistics show that 263 criminal cases have been registered against advocates in the State between January and April, 2021. It is also unfortunate that Bar leaders tend to play God by readily going to the rescue of errant advocates, who involve themselves in breaking the institution from inside. We genuinely fear that if the Bar, which is the source for the Bench, becomes criminalized and corrupt, the Bench will get only bad apples. That will be the last nail in the coffin of democracy. There is no point in ruing thereafter that the judiciary has collapsed.

**11** If the respondent was really aggrieved by the remarks allegedly made by the learned Judge, as a Supreme Court advocate having experience of more than a decade, he could have very well recorded his protest in a dignified manner during the course of the hearing itself or sought an appointment with the learned Judge, met him in his chambers and recorded his protest. He did neither. Instead, he recorded his own speech making imputations against the learned Judge and asking him to recuse from the case. He has even threatened the Judge that he would go to



the Supreme Court and file a Special Leave Petition seeking to expunge the remarks. Not stopping with that, he has directly accused the learned Judge of bias

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using the words which are extracted below at the cost of repetition:

“Therefore, My Lord, as far as this case is concerned, you are biased. It is clearly revealed, that Your Lordship Mr.Justice M.Dhandapani is biased, unilateral and is in favour of the police department. Therefore you shall recuse yourself from this case, My Lord. I had sent a petition to the Hon’ble The Chief Justice of Madras High Court, His Lordship Mr.Justice, Sanjib Banerjee, the petition filed by Louisal Ramesh, requesting to refer this case to some other honorable portfolio; honest, honorable portfolio Judge.” (emphasis supplied)

**12** As an Advocate of the Supreme Court, the respondent knows full well that the learned Judge cannot retaliate nor defend himself by recording and circulating his audio message as a counter to the audio message circulated by the respondent. Needless to state, the impugned audio message of the respondent was so widely circulated in the social media that it reached the public and caused great embarrassment to the learned Judge. If an advocate of the Supreme Court behaves in such an unbecoming way with a High Court Judge and if the same is viewed leniently and sympathetically and as a sequel, condoned, he would be emboldened to do the same even to a Supreme Court Judge. If the respondent had not been an advocate, then, we could be sympathetic to some extent. We usually extend the longest of our olive branches to disgruntled litigants who attack Judges off and on. However, if we show leniency to the respondent, it is tantamount to showing



misplaced sympathy. To be noted, advocates may be proximate to Judges, but, that does not lead to the inference that they are proximate to justice. If we condone

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the act of the respondent, a wrong message will go to the public that the Judges can be attacked by obtaining a law degree. They would be emboldened to obtain a law degree, which, we are told, is freely given in some States by law colleges functioning in garages and terraces and start maligning the institution in the social media like the respondent.

**13** Now, coming to the first charge which relates to scandalizing the Court, the statement of the respondent is *“My Lord, I had sent a petition to the Hon’ble the Chief Justice of Madras High Court, His Lorship Mr. Justice Sanjib Banerjee, the petition filed by Louisal Ramesh, requesting to refer this case to some other honourable portfolio; honest, honourable portfolio judge”*. What does this imputation imply? It implies that the learned Judge is not an honest and honourable Judge. Will this not amount to scandalizing the Court? Our answer to this question is an emphatic “Yes”. The implication is that the learned Judge has not dealt with the case impartially, which, in our considered opinion, has the tendency to scandalize the Court. We are fortified in holding so in the light of the



following passage from the judgment of the Supreme Court in **Padmahasini vs.**

**C.R. Srinivas**<sup>1</sup>:

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"Fair criticism is that which while criticising the act of a Judge does not impute any ulterior motive to him. The respondent by alleging that on extraneous considerations and by misusing the power and authority of a Judge, the learned Judge had made the aforesaid remarks against him and also made an uncalled-for clarification with respect to the "main OP", has gone beyond the permissible limits of fair criticism and committed contempt of this Court. In para 9 of the above-quoted offending statements he has further stated by implication that the Supreme Court has not dealt with his case impartially and in accordance with law. This remark has the tendency to scandalise the Court and, therefore, by making that statement he has committed contempt of this Court. It is, therefore, not possible for us to accept his explanation or the submissions made by him. He has to be held guilty for having committed contempt of this Court."

(emphasis supplied)

Therefore, we hold the respondent guilty of the first charge.

**14** As regards the second charge *qua* interfering with the due course of the judicial proceedings in the anticipatory bail petition in Crl.O.P. No.10387 of 2021, we find that the respondent had not interfered with, during the course of the judicial proceedings, but had recorded the impugned audio message only after the hearing and had the same circulated *via* WhatsApp. Therefore, he cannot be convicted of the second charge and accordingly, he is acquitted of the said charge.

**15** As regards the third charge which relates to interference with administration of justice, the very recording of the impugned audio message and placing it in the public domain by circulating it in the WhatsApp during the

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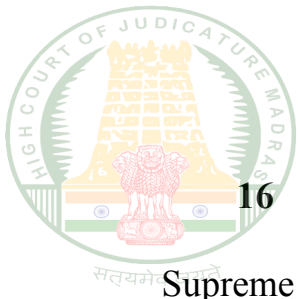
<sup>1</sup> (1999) 8 SCC 711



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pendency of the anticipatory bail application, would undoubtedly fall within the contours of the third charge. That apart, the statement of the respondent

*“Therefore, My Lord, as far as this case is concerned, you are biased. It is clearly revealed, that Your Lordship Mr.Justice M.Dhandapani is biased, unilateral and is in favour of the police department. Therefore you shall recuse yourself from this case, My Lord.”* would also squarely fall within the ambit of the third charge. Further, the respondent has given a veiled threat to the learned Judge by saying *“If it is observed in the order, I need to go to the Supreme Court and file SLP only to expunge the same. Since you have acted in a biased manner, I once again humbly and most respectfully submit that you shall recuse from this case”*. What the respondent had told the learned Judge is that if he (the learned Judge) were to record his anguish in the order, he would take the matter to the Supreme Court and have the same expunged. This is, in our considered opinion, clearly tantamount to interfering with the administration of justice “in any other manner”, as provided under Section 2(c)(iii) of the Contempt of Courts Act. Therefore, we hold the respondent guilty of the third charge.



16

In this connection, the following passages from the judgment of the

Supreme Court in **Haridas Das vs. Usha Rani Banik & others**<sup>2</sup> seem apposite.

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“29. Considered in the light of the aforesaid position in law, a bare reading of the statements makes it clear that those amount to a scurrilous attack on the integrity, honesty and judicial competence and impartiality of Judges. It is offensive and intimidating. The contemnor by making such scandalising statements and invective remarks has interfered and seriously shaken the system of administration of justice by bringing it down to disrespect and disrepute. It impairs confidence of the people in the court. Once door is opened to this kind of allegations, aspersions and imputations, it may provide a handle to the disgruntled litigants to malign the Judges, leading to character assassination. A good name is better than good riches. Immediately comes to one's mind Shakespeare's Othello, Act II, Scene iii, 167:

“Good name in man and woman, dear my Lord is the immediate jewel of their souls; who steals my purse, steals trash; its something, nothing; 'T was mine, its his, and has been slate to thousands; But he that filches from me my good name, Robs me of that which not enriches him And makes me poor indeed.”

34. There can be no quarrel with the proposition that anyone who intends to tarnish the image of judiciary should not be allowed to go unpunished. By attacking the reputation of Judges, the ultimate victim is the institution. The day the consumers of justice lose faith in the institution that would be the darkest day for mankind. The importance of judiciary needs no reiteration.”

17 In view of the aforesaid discussion:

- i. we convict the respondent of charges 1 and 3 and sentence him to pay a fine of Rs.2,000/-, for each charge (totally Rs.4,000/- for charges 1

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<sup>2</sup> (2007) 14 SCC 1





and 3), in default, to undergo simple imprisonment for one week for each default; and

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- ii. we acquit the respondent of the second charge under Section 2(c)(ii) of the Contempt of Courts Act.

**18** Further, we direct that the respondent (Enrolment No.K/16/2010) shall not practise in the Madras High Court for a period of one year from the date of this order. We are fortified in holding so, in the light of the law laid down by the Supreme Court in **R.K.Anand vs. Registrar, Delhi High Court**<sup>3</sup>, wherein, it has been held as under:

“240. It is already explained in *Ex. Capt. Harish Uppal [(2003) 2 SCC 45]* that a direction of this kind by the Court cannot be equated with punishment for professional misconduct. Further, the prohibition against appearance in courts does not affect the right of the lawyer concerned to carry on his legal practice in other ways as indicated in the decision. We respectfully submit that the decision in *Ex. Capt. Harish Uppal v. Union of India [(2003) 2 SCC 45]* places the issue in correct perspective and must be followed to answer the question at issue before us.”

**19** A copy of this order is marked to the Secretary, Bar Council of Kerala and the Secretary, Supreme Court Bar Association, for taking appropriate action against the respondent in accordance with law.

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<sup>3</sup> (2009) 8 SCC 106



In fine, this *Suo Motu* Criminal Contempt Petition is disposed of on the aforesaid terms.

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(P.N.P., J.) (R.H., J.)  
17.12.2021

cad



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**P.N. PRAKASH, J.**  
and  
**R. HEMALATHA, J.**

cad

To

- 1 The Registrar General  
Madras High Court, Chennai 600 104
- 2 The Public Prosecutor  
High Court, Madras  
Chennai 600 014
- 3 The Secretary  
Supreme Court Bar Association (Regd.)  
Tilak Marg  
New Delhi - 110 001
- 4 The Secretary  
Bar Council of Kerala  
Bar Council Bhavan  
High Court Road  
Kochi  
Kerala 682 031

*Suo Motu* CrI. Contempt Petr. No.766 of 2021

17.12.2021