

DATE: 26<sup>TH</sup> OF OCTOBER 2020

TO,

THE HON'BLE CHIEF JUSTICE,

HIGH COURT OF JUDICATURE AT BOMBAY,

MUMBAI

MAHARASHTRA

RESPECTED LORDSHIPS,

“An ADVOCATE is a person who intercedes for another. He is also referred as protector, champion or patron in Middle English in 15<sup>th</sup> Century.”<sup>1</sup> The same way a lawyer is defined etymologically as ‘*Lahwita*’ in Old English meaning “sage, wise man, adviser, councillor” and in earlier Middle English as ‘*Man of Law*’.<sup>2</sup> A lawyer is also stated as ‘*Officer of the Court*’.

A lawyer or an advocate is duty bound to assist the Court of Justice, deliver efficacious and legally viable remedy to his client, act according to law of the land and perform all necessary duties to maintain tranquillity of the stream of justice. The Constitution of India has adopted quasi – federal system of governance and Judiciary, Legislator and Executive form part of this system. But the highest sanctity lies with the judiciary as judiciary is endeavoured as

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<sup>1</sup> <https://www.etymonline.com/search?q=advocate>

<sup>2</sup> <https://www.etymonline.com/search?q=lawyer>

**custodian** of the Constitution of India and **protector** of the **Rights** of the human beings residing in within the territory of India. In this process of administering a check on the legislators and the executives the lawyers essentially perform their part in assisting the judiciary in administering the process of law and judicious orders. Lawyers or advocates assist Honourable Courts by being there eyes in the society for any transgression or dereliction of law by any member of the society. A lawyer acts as *Amicus Curae* for assisting the judicial system to assist any issue of law or fact if needed. Thus, a lawyer is entrusted and has its own part to perform for sanctified justice delivery.

But recently in the City of Pune, a lawyer named as Umesh More was abducted on **01<sup>st</sup> of October, 2020** from the vicinity of the District and Sessions Court, Pune in broad daylight. On **18<sup>th</sup> of October, 2020** the said lawyer was declared dead on statement of three arrested accused out of which one is also a lawyer. The said lawyer was abducted, strangled to death and his body was dumped and burnt in Tamhini Ghat, Tal. Mulshi, Dist. Pune. The team of Pune Police are on forensics of the said body of the deceased lawyer. The deceased lawyer was practicing lawyer in District and Sessions Court, Shivajinagar, Pune. He was a lawyer of merit and was also involved in many *pro bono* litigations in interest of the society. The deceased lawyer was complainant in anti – corruption case in **2018** in which a Revenue Department Officer and a lawyer where involved. The deceased lawyer was pressurised by the said accused by financial perks and other immoral ways. But the deceased retracted to surrender to all this hocus – pocus and thereby the accused mogged up his obituary.

The profession of advocacy certainly leads to hostilities among councils due to heated arguments or any adversarial judgements or orders in conclusion

thereof. But such hostilities rarely lead to such heinous offence of assassinating the opposing voice in legal fraternity. This offence committed against an officer of the court as he had raised his voice against the evils of corruption prevalent in the society is spurious act to shut any voice against such evils. The Honourable Chief Justice of jurisdictional High Court is *de jure* guardian of all the officers of the Court who are involved in stream of justice. Today one officer of the court is assassinated if no timely cognizance is taken by the *de jure* guardian such evil dark shadows will more likely to enhance their courage to deviate the stream of justice as beneficial to them. The Hon'ble former Governor Shri. **Jagmohan** had quoted, **“Today may be timely, tomorrow may be too late”**<sup>3</sup>

The incident today also involves certain officers from the Revenue department of Government of Maharashtra. But such government officers suspected in such heinous offence of executing an officer of the court are let free to destroy evidence and implicate their coercion further on the demised lawyer's family and friends. The act of abducting a lawyer from the vicinity of the Court premises and then assassinating him is not possible without the tacit support of law and order mechanism of the city. The act of abduction, assassination by strangulation and then lighting up the corpse of the demised lawyer is facsimile to the acts committed against freedom fighters like Shaheed Bhagat Singh, Sukhdev and Rajguru. The corpses of the late martyr freedom fighters were first bitten and then filled in sacks and were burnt by putting kerosene on them in Firozpur.<sup>4</sup> The act of an officer of the court in an attempt to free the evil of corruption from the society lead to conclusion of his abduction, strangulation

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<sup>3</sup> Letter to PM Rajiv Gandhi by Shri. Jagmohan dated April 8, 1989

<sup>4</sup> <http://medium.com/@Disturbing/untold-secret-about-deadbody-of-bhagat-singh-2fa439c336e1>

and transgression of his fundamental right to descent burial/last rites as enumerated in the Article 21 of the Constitution.<sup>5</sup>

The only remedy that a common man has against the executive or legislators is the judiciary. The judiciary is triumphed for upholding human rights against any executive or legislator impish actions. The Honourable **Justice Hans Raj Khanna** in **ADM Jabalpur case**<sup>6</sup> was the only dissenting judge and the same judgement is quoted whenever there is transgression of fundamental rights in India. Thus, the legal fraternity never gave its will to immoral and ulterior motives of any person of society and used the whip of law to enforce the rule of law as and when necessary. Today the time has come as when the officers of the court will not be safe in the society the court itself will be at harm at such evils one day. In **Mahabharat**<sup>7</sup> when the Kauravas were inflicting injustice on the Pandavas and Draupadi in play of Dyuta, the carriers of dharma Pitamah Bhishma and Guru Drona remain silent and their silence during such injustice lead to their own end.

The members of the legal fraternity will be in fear while litigating for cause of society. The **Witness Protection Scheme, 2018** elaborates threat which extends to life of witness or his family members during investigation/ trial in **Part II, Section 3. The Advocate Protection Bill, 2019** is languishing in the Parliament. If protectors of law are subjected to such open hunting grounds in the hands of adversaries then the objectives of the **Public Interest Litigation, The Right to Information Act, The Lokpal Act, The Legal Aid Act** will be

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<sup>5</sup> Pt. Parmanand Katara vs Union of India & anr (1995) 3 SCC 248  
Calcutta High Court in WPA 5479 of 2020

<sup>6</sup> (1976) 2 SCC 521

<sup>7</sup> Mahabharat – Dyuta Parva

defeated as lawyers in fear of assassination and such other offences against their body and property will reprimand them from any *pro bono* activities.

The letter petitioner would quote following lines,

" It has happened

and it goes on happening

and it will happen again

if nothing happens to stop it.

The innocent knows nothing

because they are innocent.

The poor do not notice

because they are too poor.

and the rich do not notice

because they are too rich.

The stupid shrug their shoulders

because they are too stupid.

And the clever shrug their shoulders

because they are too clever.

The young do not care

because they are too young.

And the old do not care

because they are too old.

That is why nothing happens to stop it.

And that is why it has happened and goes on happening  
and will happen again."<sup>8</sup>

**PRAYER**

**YOUR LORDSHIP MAY GRACIOUSLY BE PLEASED TO,**

- A. A JUDICIAL INQUIRY BE INITIATED IN MURDER OF  
ADVOCATE UMESH MORE IN ORDER TO ENSURE  
JUDICIOUS AND LEGAL INVESTIGATION TO MEET ENDS  
OF NATURAL JUSTICE.
- B. THE CASE BE TREATED AS RAREST OF RARE CASE.
- C. THE MATTER BE EXPEDITELY TRIED
- D. PROVIDE THE SECURITY TO THE DECEASED VICTIM'S  
FAMILY

I shall be highly obliged if the prayers made out in this letter be considered by your lordships, I will consider it to be my assistance not in the capacity of an individual person but as an officer of the court and will always be at the disposal of the Honourable Court to provide any assistance as per my limited knowledge of law.

Humbly praying for your Lordships urgent intervention.

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<sup>8</sup> Enrich Fried (Translation of German Poem)  
Page No.3, My Frozen Turbulence in Kashmir by Jagmohan

**MOST SINCERELY,**

**PRUTHVIRAJ PRADEEP PHALKE**

**ADVOCATE**

**MAH/4275/2019**