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Cont.P.No.2273 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	19.06.2024
Pronounced on	03.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Suo Motu Criminal Cont.P.No.2273 of 2015

High Court of Madras,
Madras – 600 104.

...Petitioner

Vs.

S.Milton, Advocate,
Secretary, P.R.P.C., Chennai Branch,
50, I Floor, Armenian Street,
Parry's Corner, Chennai – 600 001.

...Respondent

PRAYER: Suo Motu Criminal Contempt Proceedings initiated against the Contemnor herein as per the order made in R.O.C.No.4738/2015-RG, dated 08.09.2015.

For Petitioner : Mr.V.Vijayashankar

For Respondent : Mr.N.G.R.Prasad
for Mr.S.Milton



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ORDER

M.S.RAMESH,J.

Heard Mr.V.Vijayashankar, learned counsel for the petitioner and Mr.N.G.R.Prasad, learned counsel appearing for the respondent/contemnor.

2. The contemnor is a young Lawyer, who had printed and circulated a pamphlet containing 8 pages in Tamil language, in which he had made derogatory comments about the very functioning of the Madras High Court in general, apart from other defamatory statements against five Hon'ble Judges of the Madras High Court. The *suo motu* cognizance of the contents of the pamphlet were taken note of and *suo motu* contempt proceedings were ordered to be initiated, pursuant to the orders of the Hon'ble Chief Justice, dated 08.09.2015 against Mr.S.Milton, who is the Secretary of the Madras Branch of People Rights Protection Centre (PRPC), Tamil Nadu. Accordingly, this Contempt Petition came to be listed before this Bench. After few hearings, when the contempt was listed on 16.04.2024, we had served copies of the Contempt Petition on the learned counsel for the contemnor and sought for his reply. In response, the contemnor had filed an



affidavit before us on 19.06.2024, rendering his unconditional apology.

Some of the sworn statements made in this regard are as follows:-

"5.I state that I do not justify my statements in the pamphlet. I now realise that while the issue of how the anti-liquor movement was handled by the state was questionable, the manner in which I ought to have raised the issues for public discussion ought to have been in appropriate language and communicated in a manner in which it did not make unwarranted charges against judges of this Hon'ble Court, amongst others. I now realise that I should have used more appropriate language to encourage thoughtful dialogue rather than lash out in intemperate language. In hindsight, I have come to realise that being reactive and using harsh language doesn't encourage dialogue, discussion and resolution of issues.

6. I sincerely apologize for the references and remarks I made against the Hon'ble Judges. Over the years, I have learned significantly from working with esteemed seniors, and fellow Bar members on various social and Bar-related issues. I have now realised the importance of maintaining dignity, decorum and civility in public communication and interactions. From this experience, now looking back at my actions which took place almost 10 years ago. I deeply regret my actions and unconditionally apologise for the same.

7. I state that I have the highest regard for the judiciary and the greatest respect for this great institution. I sincerely regret the intemperate language used and unconditionally apologise for the same. I state that it is 10 years since the incident and in the last 10 years I have acted with the utmost responsibility and discharged my professional duties as an officer of the court to the best of my ability.



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For the reasons stated above, I humbly pray that this Hon'ble Court make take my affidavit on file and accept my unconditional apology and drop the contempt proceedings against me and pass such further or other orders as it deems fit and proper under the circumstances, and thus render justice."

3. We have perused the pamphlet in detail. The contemnor has not only undermined the entire judicial system as such, but has named five Hon'ble Judges of this Court and made derogatory remarks against them. At this juncture, we would like to remind him of his role as a Lawyer and the duty he owes not only to the entire judicial system, but to the public litigants and preserve the dignity and decorum of the profession. In the case of ***R.Muthukrishnan Vs. Registrar General, High Court of Judicature at Madras*** reported in ***(2019) 16 SCC 407***, the duties and obligations, which a Lawyer requires to adhere to himself, to his fellow Lawyers and to the society at large, were reiterated, among other judgements, in the following manner:-

..... ***“25. The role of a lawyer is indispensable in the system of delivery of justice. He is bound by the professional ethics and to maintain the high standard.***



His duty is to the court, to his own client, to the opposite side, and to maintain the respect of opposite party counsel also. What may be proper to others in the society, may be improper for him to do as he belongs to a respected intellectual class of the society and a member of the noble profession, the expectation from him is higher. Advocates are treated with respect in society. People repose immense faith in the judiciary and judicial system and the first person who deals with them is a lawyer. Litigants repose faith in a lawyer and share with them privileged information. They put their signatures wherever asked by a lawyer. An advocate is supposed to protect their rights and to ensure that untainted justice is delivered to his cause.

26. *The high values of the noble profession have to be protected by all concerned at all costs and in all the circumstances cannot be forgotten even by the youngsters in the fight of survival in formative years. The nobility of the legal profession requires an advocate to remember that he is not over attached to any case as advocate does not win or lose a case, real recipient of justice is behind the curtain, who is at the receiving end. As a matter of fact, we do not give to a*



litigant anything except recognising his rights. A litigant has a right to be impartially advised by a lawyer. Advocates are not supposed to be money guzzlers or ambulance chasers. A lawyer should not expect any favour from the Judge and should not involve by any means in influencing the fair decision-making process. It is his duty to master the facts and the law and submit the same precisely in the court, his duty is not to waste the courts' time.

27. It is said by Alexander Cockburn that “the weapon of the advocate is the sword of a soldier, not the dagger of the assassin”. It is the ethical duty of lawyers not to expect any favour from a Judge. He must rely on the precedents, read them carefully and avoid corruption and collusion of any kind, not to make false pleadings and avoid twisting of facts. In a profession, everything cannot be said to be fair even in the struggle for survival. The ethical standard is uncompromisable. Honesty, dedication and hard work is the only source towards perfection. An advocate's conduct is supposed to be exemplary. In case an advocate causes disrepute of the Judges or his colleagues or involves himself in misconduct, that is the most sinister and damaging act



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which can be done to the entire legal system. Such a person is definitely deadwood and deserves to be chopped off.”

4. Though the contemnor admits to have printed the pamphlet with such contemptuous remarks, we have taken note of the fact that he has reformed himself over the years and claims to have realized the importance of dignity and decorum in public communications and interactions. We have also noticed that the contemptuous act was made when the contemnor was quite young in the profession. In this background, we intend to accept the unconditional apology tendered by him.

5. Accordingly, the *suo motu* Contempt Petition stands closed.

[M.S.R.,J.] [S.M.,J.]
03.07.2024

Index: Yes
Neutral Citation: Yes
Speaking order

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M.S.RAMESH, J.
and
SUNDER MOHAN, J.

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Pre-delivery order made in
Suo Motu Criminal Cont.P.No.2273 of 2015

03.07.2024