



CONT.CAS.(CRL.) NO. 7 OF 2026

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2026:KER:52048

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR.JUSTICE K. V. JAYAKUMAR

TUESDAY, THE 14TH DAY OF JULY 2026 / 23RD ASHADHA, 1948

CONT.CAS. (CRL.) NO. 7 OF 2026

PETITIONER/PETITIONER:

N.PRAKASH

AGED 62 YEARS

SON OF LATE A.NARAYANA RAO, RESIDING AT PRAJITH VIHAR
AYINI ROAD, MARADU P.O. ERNAKULAM, PIN - 682304

BY ADV N.PRAKASH (PARTY-IN-PERSON)

RESPONDENT/RESPONDENT:

ADV. ASHA R.K. @ ASHA UNNITHAN

D/O. G.R.K. UNNITHAN, NEELAMBARI HOUSE, NEAR SNDP,
MAPRANAM WEST MADAYIKONAM P. O., THRISSUR,
PIN - 680712

ADV.GIKKU JACOB, SR.PP

THIS CONTEMPT OF CASE (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 14.07.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



J U D G M E N T

Raja Vijayaraghavan V, J.

The above Contempt of Court Case has been filed under Section 15 of the Contempt of Courts Act, 1971, and Article 215 of the Constitution of India by Sri. N. Prakash.

2. The facts that led to the initiation of the proceedings by the petitioner is that on 19.08.2025, the respondent participated in a channel discussion on 'Reporter TV', which was published on the YouTube channel Reporter Live under the heading "കോടതി അനാവശ്യമായ കമന്റ് പറഞ്ഞ് മാധ്യമ ശ്രദ്ധ നേടുന്നു."

3. According to him, a mere scanning through the comments is sufficient to come to the conclusion that the aforesaid comments were intended to scandalise and lower the authority of the High Court and obstruct/interfere with administration of justice.

4. The petitioner states that he filed Sanction Petition No. 11 of 2025 before the learned Advocate General, Kerala. The learned Advocate General, Kerala, after considering the allegations in the complaint as well as the objections raised by the respondent, issued Annexure A4 order.

5. In the said order, the learned Advocate General opined that, though it is open to anyone to express fair, reasonable, and legitimate criticism about the conduct



of a Judge in his judicial capacity and also to make fair comment on any decision rendered by him, the same would not confer any right on either of the parties or anyone else to post comments or make statements in public containing allegations against such acts of the Judge. Holding so, the learned Advocate General was of the opinion that the last two sentences, extracted in paragraph No. 2 of the petition, prima facie come within the definition of criminal contempt as defined under Section 2(c) of the Act. Accordingly, sanction was granted.

6. The petitioner who appeared in person has referred to the observations made by the Apex Court in **Het Ram Beniwal v. Raghuveer Singh**¹, and it is urged that if a calculated effort is made to undermine the judiciary, the courts are required to exercise their jurisdiction to punish the offender for committing contempt. The petitioner has also referred to the observations in **E.M.Sankaran Nampoothirippad v Narayanan Nambiar**², and it is urged that when the conduct of a person tends to bring the authority and administration of the law into disrespect or disregard, the same will amount to contempt.

7. We have carefully considered the submissions advanced and have gone through the annexures produced along with this contempt case, the submissions advanced by the petitioner, who appeared in person, and also the sanction granted by the learned Advocate General.

¹ [(2017) 4 SCC 340]

² (AIR 1970 SC 2015)



8. From the records, we find that the respondent participated in a channel discussion telecast by Reporter TV. The objectionable portion of the statement has been extracted in the sanction order issued by the learned Advocate General. It reads as under:

"ഇതൊന്നും പറയാൻ കോടതിക്ക് യാതൊരു വിധ അവകാശവും ഇല്ല. കോടതി അവിടെ ഇരുന്ന് അനാവശ്യമായിട്ടുള്ള പല രീതിയിൽ ഉള്ള കമെന്റസ് പറഞ്ഞ് മാധ്യമ ശ്രദ്ധ അട്രാക്ട് ചെയ്യുകയാണ് ചെയ്യുന്നത്. ഒരാവശ്യവും ഇല്ല കോടതി ഇങ്ങനെ അനാവശ്യ കമന്റസ് പറഞ്ഞ് മാധ്യമ ശ്രദ്ധ നേടുകയും, അങ്ങനെ കോടതിയിലെ ജഡ്ജസ് പോപ്പുലർ ആവേണ്ട കാര്യമില്ല."

9. On going through the objectionable statement, what we find is that the respondent, in the course of the channel discussion, stated that certain comments were made by the learned Single Judge, and it was for the purpose of attracting media attention and becoming popular.

10. The question is whether the comments made by the respondent warrant initiation of contempt proceedings against the respondent.

11. In **Sheela Barse v. Union of India**³, the Hon'ble Supreme Court has acknowledged the broader right of a citizen to criticise the systemic inadequacies in the larger public interest. It is the privileged right of the Indian citizen to believe what he considers to be true and to speak out his mind, though not, perhaps, always in the

³ [(1988) 4 SCC 226]



best of taste; and speak perhaps, with greater courage than care for exactitude. Judiciary is not exempt from such criticism. Judicial institutions are, and should be made, of stronger stuff intended to endure and thrive even in such a hardy climate.

12. The observation of Lord Denning in **Regina v. Commissioner of Police of the Metropolis, ex parte Blackburn**⁴ is also relevant in this context. It was observed thus:

“Let me say at once that we will never use this jurisdiction as a means to uphold our own dignity. That must rest on surer foundations. Nor will we use it to suppress those who speak against us. We do not fear criticism, nor do we resent it. For there is something far more important at stake. It is no less than freedom of speech itself.

It is the right of every man, in Parliament or out of it, in the press or over the broadcast, to make fair comment, even outspoken comment, on matters of public interest. Those who comment can deal faithfully with all that is done in a court of justice. They can say that we are mistaken, and our decisions erroneous, whether they are subject to appeal or not. All we would ask is that those who criticise us will remember that, from the nature of our office, we cannot reply to their criticisms. We cannot enter into public controversy. Still less into political controversy. We must rely on our conduct itself to be its own vindication.

Exposed as we are to the winds of criticism, nothing which is said by this person or that, nothing which is written by this pen or that, will deter us from doing what we believe is right; nor, I would

⁴ [(1968) 2 WLR 1204]



add, from saying what the occasion requires, provided that it is pertinent to the matter in hand. Silence is not an option when things are ill done.”

13. Gajendragadkar, C.J. in Special Reference No. 1 of 1964⁵ observed as follows:

“We ought never to forget that the power to punish for contempt, large as it is, must always be exercised cautiously, wisely and with circumspection. Frequent or indiscriminate use of this power in anger or irritation would not help to sustain the dignity or status of the court, but may sometimes affect it adversely. Wise judges never forget that the best way to sustain the dignity and status of their office is to deserve respect from the public at large by the quality of their judgments, the fearlessness, fairness and objectivity of their approach, and by the restraint, dignity and decorum which they observe in their judicial conduct.”

14. In **Shri Baradakanta Mishra v. Registrar of Orissa High Court** ⁶, it was observed as under:

“Judges and courts have diverse duties. But functionally, historically and jurisprudentially, the value which is dear to the community and the function which deserves to be cordoned off from public molestation, is judicial. Vicious criticism of personal and administrative acts of Judges may indirectly mar their image and weaken the confidence of the public in the judiciary but the countervailing good, not merely of free speech but also of greater

⁵ 1964 INSC 203

⁶ (1974) 1 SCC 374.



faith generated by exposure to the actinic light of bona fide, even if marginally overzealous, criticism cannot be overlooked. Justice is no cloistered virtue. (p. 409, para 82)

* * *

The Court being the guardian of people's rights, it has been held repeatedly that the contempt jurisdiction should be exercised 'with scrupulous care and only when the case is clear and beyond reasonable doubt'".

15. In **In Re: S. Mulgaokar**⁷, V.R Krishna Iyer, J., in his inimitable words, has observed as under in his concurring opinion.

"A concluding note. I have launched on this long, inconclusive essay in contempt jurisprudence bearing on scandalizing the Judges qua Judges, aware that not high falutin rhetoric but hard-headed realism, illumined by constitutional values, must set the limit and interpret the statute. It is a disturbing development in our country that the media and some men in the trade of traducement are escalatingly scandalizing Judges with flippant or motivated write-ups wearing a pro bono publico veil and mood of provocative mock-challenge. The Court shall not meditate nor hesitate but shall do stern justice to such "professional" contemners, not shrink because they are scurrilous, influential or incorrigible. Even so, to be gentle is to be just and the quality of mercy is not strained. So, it is that a benign neglect, not Judicial genuflexion, is often the prescription, and to inhibit haphazardness or injustice it is necessary that the Bar and the Press evolve a dignified consensus on the canons of ethics in this area, with due regard to the Constitution and the

⁷ 1978 3 SCC 339



laws, so that the Bench may give it a close look and draw the objective line of action. The process of arriving at these norms by those mighty forces who influence public opinion, cannot be delayed and until then the law laid down in precedents of this Court will go into action when Judge-baiting is indulged in by masked men or media might. Freedom is what Freedom does and Justice fails when Judges quail. For sure, my plea is not for judicial pachydermy, but for dignified detachment which ignores ill-informed criticism in its tolerant stride, but strikes when offensive excesses are established.

16. Having considered the entire facts and circumstances of the case, we are of the considered opinion that the stray remarks made by the respondent are best left ignored. As repeatedly held by the Hon'ble Supreme Court, the power to punish for contempt must always be exercised cautiously, wisely, and with circumspection. Frequent or indiscriminate invocation of the contempt jurisdiction in moments of anger or irritation does little to uphold the dignity of the Court and may, in fact, diminish it. Being the guardian of the rights of the people, the Court must exercise its contempt jurisdiction with scrupulous care and only where the case is clear and established beyond reasonable doubt. It is the privileged right of every Indian citizen to hold opinions that he believes to be true and to express those opinions, even if they are not always articulated in the best of taste and are spoken with greater courage than precision. The judiciary is not immune from criticism. Judicial institutions are expected to possess the strength and resilience to withstand fair, even if outspoken, criticism and to continue to command public confidence through the



quality of their judgments, their independence, and their conduct. As observed by V.R.Krishna Iyer J., the plea is not for judicial pachydermy, but for dignified detachment which ignores ill-informed criticism in its tolerant stride, but strikes when offensive excesses are established.

17. We are of the view that a case of contempt is not made out in the instant case.

This Contempt Case is accordingly closed.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE**

Sd/-

**K.V. JAYAKUMAR,
JUDGE**

APM



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APPENDIX OF CONT.CAS.(CRL.) NO. 7 OF 2026

PETITIONER ANNEXURES

Annexure A1	THE TRUE COPY OF THE ORDER DATED 8.4.2024 IN CONTEMPT PETITION (CIVIL) DIARY NO.13898 OF 2024
Annexure A2	TRUE COPY OF THE SANCTION PETITION NO.11 OF 2025 DATED 20.8.2025 (WITHOUT THE EXHIBITS THEREIN) SUBMITTED BY THE PETITIONER BEFORE THE HONOURABLE ADVOCATE GENERAL, KERALA
Annexure A3	TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE RESPONDENT TO ANNEXURE A2 BEFORE THE HONOURABLE ADVOCATE GENERAL, KERALA, DATED 28.3.2026
Annexure A4	TRUE COPY OF THE ORDER IN SANCTION PETITION NO.11 OF 2025 DATED 7.7.2026 OF THE HONOURABLE ADVOCATE GENERAL, KERALA ALONG WITH THE COVERING LETTER SERVED ON THE PETITIONER