



CNR: KAHC020057942026

NC: 2026:KHC-D:14628
CRL.P No. 100680 of 2026

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IN THE HIGH COURT OF KARNATAKA AT DHARWAD
DATED THIS THE 1ST DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO. 100680 OF 2026
(407(Cr.PC)/447(BNSS))

BETWEEN:

1. RAVI BASAVARAJ
AGE.30 YEARS,
OCC. DRIVER,
R/O. NEAR COMMERCIAL TAX OFFICE,
RAGHAVENDRA COLONEY BALLARI,.

PERMANENT ADDRESS:

11TH WARD, 6TH LIAN,
LINGARAJA CAMP,
GANGAVATHI, DIST. KOPPAL - 583 231.

2. VIJAY @ MAILARI
S/O HANUMANTAPPA
AGE.27 YEARS, OCC. LABOURER
R/O. INDRA NAGAR, 15TH WARD
GANGAWATHI, KOPPAL

PERMANENT ADDRESS:

11TH WARD, 6TH LIAN,
LINGARAJA CAMP,
GANGAVATHI, DIST. KOPPAL - 583 231.

3. DHANARAJA @ LAXMANARAVA MARATHI
AGE.24 YEARS, OCC. LABOURER

Digitally
signed by
THEJAS
KUMAR N
Location:
HIGH
COURT OF
KARNATAKA



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R/O: HRS COLONY
GANGAVATHI, KOPPAL – 583 321.

PERMANENT ADDRESS:

HRS COLONY, GANGAVATHI
DIST: KOPPAL PIN:583231

4. BHIMA ALIYAS BHARATA
S/O KARIYAPPA
AGE.23 YEARS, OCC. LABOURER
R/O. 17TH WARD, AMARAGHAGATHA SING NAGAR,
GANGAWATHI, KOPPAL

PERMANENT ADDRESS:

HRS COLONY, GANGAVATHI
DIST. KOPPAL PIN. 583231

5. SALIM S/O MAHMAD RAFIK
AGE.21 YEARS, OCC. LABOURER
R/O. AMARAGHAGATHA SING NAGAR,
GANGAWATHI, KOPPAL

PERMANENT ADDRESS:

AMARAGHAGATHA SING NAGAR
GANGAVATHI
KOPPAL

6. GANGADHAR S/O BABURAVA GOULI
AGE.28 YEARS, OCC. DRIVER
R/O. 23RD WARD, GUNDAMMA CAMP,
GANGAWATHI, KOPPAL

PERMANENT ADDRESS:

23RD WARD, GUNDAMMA CAMP
GANGAWATHI, KOPPAL



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7. KARTHIK S/O DURGAPPA GODDBAL
AGE.23 YEARS, OCC. LABOURER
R/O. AMARAGHAGATHA SING NAGAR,
GANGAWATHI,
KOPPAL

PERMANENT ADDRESS:

AMARAGHAGATHA SING NAGAR
GANGAVATHI KOPPAL.

8. DADAFEER S/O ABDUL ROUF PRINCE
AGE.28 YEARS, OCC. LABOURER
R/O. RAGHAVENDRA COLONY, BALLARI
KOPPAL

PERMANENT ADDRESS:

RAGHAVENDRA COLONY, BALLARI
KOPPAL – 583 231.

9. MAHMAD ALTAF S/O MEHIBOOB PASH
AGE.18 YEARS, OCC. COOK
RAGHAVENDRA COLONY, BALLARI
KOPPAL

PERMANENT ADDRESS:

RAGHAVENDRA COLONY, BALLARI,
KOPPAL PIN – 583 231.

10. CHAITRA W/O RAVI
AGE. 28 OCC. HOUSE WIFE,
R/O: NEAR COMMERCIAL TAX OFFICE,
RAGHAVENDRA COLONY,
BALLARI
KOPPAL



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PERMANENT ADDRESS:

LINGARAJA CAMP, GANGAVATHI,
KOPPAL PIN – 583 231.

...PETITIONERS

(BY SRI. P P HEGDE, SR. COUNSEL A/W
SRI. SHEELAVANT VIJAY KUMAR
MAHESHWARAPPA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY PSI GANGAVATHI TOWN POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
DHARWAD – 580 001.
2. HAMPANNA S/O AYYAPPA JANTAGAL
AGE, 55, OCC. LABOUR,
R/O. SUNAGAR ONI,
NEAR JAGADAMBA RICE MILL,
MURAKARI NAGAR,
GANGAVATHI – 583 231.

...RESPONDENTS

(BY SRI. GANGADHAR J M, AAG FOR R1(VC);
SRI. RAMESH B CHILAGARI, ADVOCATE FOR R2)

THIS CRL.P. IS FILED UNDER SECTION 407 OF THE
CRIMINAL PROCEDURE CODE AND SECTION 447 BNSS 2023,
PRAYING TO TRANSFER S.C. NO.5/2026 PENDING ON THE FILE
OF THE I ADDL. DISTRICT AND SESSIONS JUDGE, KOPPAL
(SITTING AT GANGAVATHI) REGISTERED FOR THE OFFENCES
PUNISHABLE U/S 189(2), 191(2), 191(3), 49, 56, 61(2),
103(1), 109(1), 249(B), 238, 190 OF BNS 2023 AND ETC.,



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THIS PETITION HAVING BEEN HEARD AND RESERVED
FOR ORDERS AND COMING ON FOR PRONOUNCEMENT OF
ORDER THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

CAV ORDER

This Court has passed order on 16.04.2026 in Criminal Petition No.100680/2026 filed by the accused/petitioners under Section 407 of Code of Criminal Procedure (Cr.P.C) and Section 447 of Bharatiya Nagarika Suraksha Sanhita, 2023 (B.N.S.S) rejecting the petition filed for transfer of Sessions case in S.C.No.5/2026 pending on the file of I Additional District and Sessions Court, Koppal, sitting at Gangavathi.

2. The prayer of the accused/petitioners for transfer of Sessions case in S.C.No.5/2026 was rejected.

3. While passing the order as above stated, this Court, by referring to the orders passed in the order sheet in the proceedings of Sessions case observed that the learned Advocate appearing on behalf of the accused had



behaved in derogation of and hampered the dignity and decorum of the Court. The Sessions Court, while dealing with Sessions Case in S.C.No.5/2026 has made several observations against the Advocate for the accused, namely, Sri. S. Rangaswamy, and upon perusing the orders passed by the learned Sessions Judge in his order sheet maintained in the Sessions case, this Court found that the said Advocate, Sri. S. Rangaswamy, had threatened the Court virtually and tried to hamper the Session case proceedings.

4. It is observed in detail in the order passed by this Court. The learned Sessions Judge, in his order, has named the Advocate, Sri. S. Rangaswamy, who had misbehaved with the Court, which amounts to Criminal Contempt of Court; therefore, based on the orders passed by the learned Sessions Judge and what he has observed in the proceedings of the Sessions case, this Court has



initiated the proceedings against the Advocate, Sri. S. Rangaswamy.

5. The operative portion of the order dated 16-04-2026 in this case is extracted below for easy reference and comprehension:

"ORDER

i) The petition is dismissed with cost of Rs.1,00,000/- payable by accused Nos.1 to 9 and 12 to the District Legal Services Authority, Koppal.

ii) The learned Sessions Judge/Presiding Officer of the Court of I Additional District and Sessions Judge, Koppal, sitting at Gangavathi, shall continue the further proceedings as per law and dispose of the case as expeditiously as possible.

iii) For the reasons stated in the order, place this matter before Hon'ble the Chief Justice, High Court of Karnataka and also before the learned Advocate General requesting to consider initiating proceedings for criminal contempt of Court against Sri S.



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Rangaswamy, Advocate, at the discretion of the Hon'ble the Chief Justice and the learned Advocate General.

iv) The Additional Registrar General is directed to place this order before the Karnataka State Bar Council, Bengaluru, to take necessary action/initiate proceedings against Sri S.Rangaswamy, Advocate, for his misconduct as stated above.

v) The Chief Ministerial Officer of the Court of the Court of I Additional District and Sessions Judge, Koppal, sitting at Gangavathi, is directed to file complaint against Sri S.Rangaswamy, Advocate, for the offence punishable under Sections 186 and 228 of the Indian Penal Code, 1860 (Sections 221 and 267 of the Bharatiya Nyaya Sanhita, 2023) before the concerned jurisdictional Judicial Magistrate First Class Court, in whose jurisdiction the Court of I Additional District and Sessions Judge, Koppal, sitting at Gangavathi, is situated.

vi) The Additional Registrar General, High Court of Karnataka, Dharwad Bench, Dharwad, is directed to communicate



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operative portion of this order immediately to the Court of Principal District and Sessions Judge, Koppal and to the I Additional District and Sessions Judge, Koppal, sitting at Gangavathi, through e-mail, fax and official telephone numbers of the Court of Principal District and Sessions Judge, Koppal and to the I Additional District and Sessions Judge, Koppal, sitting at Gangavathi."

6. While dealing with the criminal petition filed for transfer, this Court has made observations regarding the behaviour, conduct and mannerism of Advocate, Sri. S. Rangaswamy of Advocates Association, Bellary in Session case in S.C.No.5/2026 and therefore, the above said order is passed to take action against the said Advocate.

7. Subsequently, the said Advocate, Sri. S. Rangaswamy, requested the Court on 30.04.2026 to expunge the order initiating the action against him. On the request made by the said Advocate, this Court directed the said Advocate to be present before the Court and file an affidavit of apology.



8. On 14.07.2026, Sri. P.P. Hegde, learned Senior Counsel, and Sri. V.M. Sheelvanth, learned counsel appearing on behalf of the Advocate, Sri. S. Rangaswamy, requested to expunge the order of initiation of action against the Advocate, Sri. S. Rangaswamy.

9. This Court heard the submissions of Sri. P.P. Hegde, learned Senior Counsel, Sri. V.M. Sheelvanth, learned counsel and also Sri. J.M. Gangadhara, learned Additional Advocate General and also perused the affidavit tendering the apology submitted by Sri. S. Rangaswamy Advocate.

10. The submissions made by the learned counsel and the aforesaid affidavit are placed on record.

11. Sri P.P. Hegde, learned Senior Counsel, and Sri V.M. Sheelvanth, learned counsel appearing on behalf of the accused/petitioners, have requested the Court to expunge the remarks, as it hampers the advocate



profession of Sri. S. Rangaswamy and requested to take lenient view. In the matter, Sri. J.M. Gangadhara, learned Additional Advocate General also submitted that the Court may take lenient view as against Sri. S. Rangaswamy, Advocate.

12. While passing the order on 16.04.2026 by initiating the proceedings against Sri. S. Rangaswamy, Advocate, the Court was initially reluctant to pass such an order against the said Advocate, but upon perusal of the orders of the learned Sessions Judge in Sessions case, the Court, after deep thought, was compelled to pass such order to protect the dignity and decorum of the District Judiciary in the State. Hence, the Court was reluctant to pass such an order against the said Advocate, but upon perusing the orders of the Sessions Judge of the Sessions Court and what the Sessions Judge has observed in the order sheet, if this Court keeps silence, then certainly it would perpetrate others to do similar acts as done by the



said Sri. S. Rangaswamy, Advocate. Therefore, such stringent order is passed.

13. The Presiding Officers in the District Judiciary, though they are having Judicial powers, are in a vulnerable position and cannot defend themselves; therefore, the Presiding Officers are voiceless outside the Court. The Presiding Officers in the District Judiciary can only make observations in the order without expressing any opinion in the open Court. Therefore, in this way, the Presiding Officers in the District Judiciary are placed in a sensitive situation and in a vulnerable position. Hence, this Court is constrained to take action against the said Advocate, Sri. S. Rangaswamy, to safeguard the dignity and decorum of the Courts in the District Judiciary and also enable the Presiding Officers in the District Judiciary to discharge their work without any fear and favour. Hence, with this object, the above said order was passed.



14. Now, considering the submissions made by the learned Senior Counsel, Sri. P.P. Hegde and learned counsel, Sri. V.M. Sheelavanth, and also the affidavit filed tendering the apology by Sri. S. Rangaswamy, Advocate, the Court is of the opinion to take some leniency towards Sri. S. Rangaswamy, Advocate, but before that, this Court intends to remind all of us, namely, the Judges and Advocates, what is the legal profession, as observed by the Hon'ble Supreme Court and the Law Commission of India. Here are the some of the judgments of the Hon'ble Supreme Court, which describe the legal principles on advocacy and legal professsion.

15. The Hon'ble Supreme Court in the case of **CHETAK CONSTRUCTION LTD. VS. OM PRAKASH AND OTHERS¹**, reminds the Lawyers and Judges of their duties and functions and towards dispensation of justice. The words expressed by the Hon'ble Supreme Court in the above said case at paragraphs 16 and 17 should remind all

¹(1998) 4 SCC 577



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of us the duties of Lawyers' and the Judges' as to how they are important in the voyage of justice. At paragraphs 16 and 17 their Lordships were pleased to observe as follows:

"16. Indeed, no lawyer or litigant can be permitted to browbeat the court or malign the presiding officer with a view to get a favourable order. Judges shall not be able to perform their duties freely and fairly if such activities were permitted and in the result administration of justice would become a casualty and rule of law would receive a setback. The Judges are obliged to decide cases impartially and without any fear or favour. Lawyers and litigants cannot be allowed to "terrorize" or "intimidate" Judges with a view to "secure" orders which they want. This is basic and fundamental and no civilised system of administration of justice can permit it. We certainly, cannot approve of any attempt on the part of any litigant to go "forum-shopping". A litigant cannot be permitted "choice" of the "forum" and every attempt at "forum-shopping" must be crushed with a heavy hand.

17. At the same time, it is of utmost importance to remember that Judges must act as impartial referees and decide cases objectively, uninfluenced by any personal bias or prejudice. A Judge should not allow his judicial position to be compromised at any cost. This is essential for maintaining the integrity of the institution and public confidence in it. The credibility of this institution rests on the fairness and impartiality of the Judges at all



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levels. It is the principle of highest importance for the proper administration of justice that judicial powers must be exercised impartially and within the bounds of law. Public confidence in the judiciary rests on legitimacy of judicial process. Sources of legitimacy are in the impersonal application by the Judge of recognised objective principles which owe their existence to a system as distinguished from subjective moods, predilections, emotions and prejudices. Judges must always ensure that they do not allow the credibility of the institution to be eroded. We must always remember that justice must not only be done but it must also be seen to be done."

16. Further, the Hon'ble Supreme Court in the case of **MAHABIR PRASAD SINGH V. M/S. JACKS AVIATION PVT. LTD.**² has follows

"18. Of course, it is not a unilateral affair. There is a reciprocal duty for the court also to be courteous to the members of the Bar and to make every endeavour for maintaining and protecting the respect which members of the Bar are entitled to have from their clients as well as from the litigant public. Both the Bench and the Bar are the two inextricable wings of the judicial forum and therefore the aforesaid mutual respect is the sine qua non for the efficient functioning of the solemn

²AIR 1999 SC 287



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work carried on in courts of law. But that does not mean that any advocate or a group of them can boycott the courts or any particular court and ask the court to desist from discharging judicial functions. At any rate, no advocate can ask the court to avoid a case on the ground that he does not want to appear in that court."

17. Therefore it is observed that the judicial function cannot and should not be permitted to be stonewalled by browbeating or bullying methodology either it is by litigants or by counsel. Therefore, this Court is constrained to make the above aforesaid observations having regard to what it transpired in the Court while conducting sessions trial in Session case.

18. A client engages an advocate for the purpose of espousing and addressing his grievances. An advocate is not an agent of his client, but he is dignified, responsible spokesman. An advocate cannot step into shoes of his client. The Court cannot satisfy both parties; one party obviously being dissatisfied and the Advocate Sri. S.



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Rangaswamy, could not have stepped into the shoes of the client to express his dissatisfaction as if it is his personal case and ought not to have addressed the Court in the conduct disrespecting the Court and undermining dignity and decorum of the Court.

19. The Hon'ble Supreme Court in the case of **SANJEEV DATTA AND OTHERS VS. UNKNOWN**³ has observed at Paragraph No.20, as follows:

"20. The legal profession is a solemn and serious occupation. It is a noble calling and all those who belong to it are its honourable members. Although the entry to the profession can be had by acquiring merely the qualification of technical competence, the honour as a professional has to be maintained by its members by their exemplary conduct both in and outside the Court. The legal profession is different from other professions in that what the lawyers do, affects not only an individual but the administration of justice which is the foundation of the civilised society. Both as a leading member of the intelligentsia of the society and as a responsible citizen, the lawyer has to conduct himself as a model for others both in his professional and in his private and public life. The society has a right to expect of him such ideal behaviour. It must not be forgotten that the legal profession has always been held in high

³(1995) 3 SCC 619



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esteem and its members have played an enviable role in public life. The regard for the legal and judicial systems in this country is in no small measure due to the tireless role played by the stalwarts in the profession to strengthen them. They look their profession seriously and practised it with dignity, deference and devotion. If the profession is to survive, the judicial system has to be vitalised. No service will be too small in making the system efficient, effective and credible.' "

20. Further, the Hon'ble Supreme Court in the case of **INDIAN COUNCIL OF LEGAL AID AND ADVICE V. BAR COUNCIL OF INDIA**⁴ has observed at Paragraph No.3, as follows:

"3. xxxxxxxxxxxx

It is generally believed that members of the legal profession have certain social obligations, e.g., to render 'probonopublico' service to the poor and the under privileged. Since the duty of a lawyer is to assist the court in the administration of justice, the practise of law has a public utility flavour and, therefore, he must strictly and scrupulously abide by the Code of Conduct behaving the noble profession and must not indulge in any activity which may tend to lower the image of the profession in society. That is why the functions of the Bar Council include the laying down of standards of professional conduct and etiquette which advocates must follow to maintain the dignity and purity of the profession."

⁴(1995) 1 SCC 732



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21. Further, the Hon'ble Supreme Court in the case of ***U.P. SALES TAX SERVICE ASSN. V. TAXATION BAR ASSN.***⁵ has observed at Paragraph No.11, as follows:

"11. It is fundamental that if rule of law is to have any meaning and content, the authority of the court or a statutory authority and the confidence of the public in them should not be allowed to be shaken, diluted or undermined. The courts of justice and all tribunals exercising judicial functions from the highest to the lowest are by their constitution entrusted with functions directly connected with the administration of justice. It is that expectation and confidence of all those, who have or likely to have business in that court or tribunal, which should be maintained so that the court/tribunal perform all their functions on a higher level of rectitude without fear or favour, affection or ill-will. Casting defamatory expressions upon the character, ability or integrity of the judge/judicial officer/authority undermines the dignity of the court/authority and it would tend to create distrust in the popular mind and impedes confidence of the people in the courts/tribunals which is of prime importance to the litigants in the protection of their rights and liberties. The protection to the judges/judicial officer/authority is not personal but accorded to protect the institution of the judiciary from undermining the public confidence in the efficacy of judicial process. The protection, therefore, is for fearless crucial process. Any scurrilous, offensive, intimidatory or malicious attack on the judicial officer/authority beyond condonable

⁵(1995) 5 SCC 716



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limits, amounts to scandalising the court/tribunal amenable to not only conviction for its contempt but also liable to libel or defamation and damages personally or group libel. Maintenance of dignity of the court/judicial officer or quasi-judicial authority is, therefore, one of the cardinal principles of rule of law embedded in judicial review, any uncalled for statement or allegation against the judicial officer/statutory authorities, casting aspersions of court's integrity or corruption would justify initiation of appropriate action for scandalising the court or tribunal or vindication of authority or majesty of the court/tribunal. The accusation of the judicial officer or authority or arbitrary and corrupt conduct undermines their authority and rudely shakes them and public confidence in proper dispensation of justice. It is of necessity to protect dignity or authority of the judicial officer to maintain the stream of justice pure and unobstructed. The judicial officer/authority needs protection personally. Therefore, making wild allegations of corruption against the presiding officer amounts to scandalising the court/statutory authority. Imputation of motives of corruption to the judicial officer/authority by any person or group of persons is a serious inroad into the efficacy of judicial process and threat to judicial independence and needs to be dealt with strong arm of law."

22. Further, the Hon'ble Supreme Court in the case
of **LT. COL., S.J. CHAUDHARY VS STATE (DELHI**



ADMINISTRATION)⁶ has observed at Paragraph No.2 (to be asked) as follows:

"2. We think it is an entirely wholesome practice for the trial to go on from day-to-day. It is most expedient that the trial before the Court of Session should proceed and be dealt with continuously from its inception to its finish. Not only will it result in expedition, it will also result in the elimination of manoeuvre and mischief. It will be in the interest of both the prosecution and the defence that the trial proceeds from day-to-day. It is necessary to realise that Sessions cases must not be tried piecemeal. Before commencing a trial, a Sessions Judge must satisfy himself that all necessary evidence is available. If it is not, he may postpone the case, but only on the strongest possible ground and for the shortest possible period. Once the trial commences, he should, except for a very pressing reason which makes an adjournment inevitable, proceed de die in diem until the trial is concluded.

23. The aforesaid judgment is extracted herein in the context of the Sessions Court having proceeded with the trial on a day-to-day basis. However, the learned counsel appearing for the accused has opposed the conduct of the trial on a day-to-day basis. In the backdrop of the aforesaid circumstances, the principle of law

⁶1984 SCC (1) 722



enunciated in the judgment referred to supra assumes significance. Therefore, while bearing in mind the principle of law laid down in the aforesaid judgment, it is also relevant to take note of the fact that the direction to conduct the Sessions Trial on a day-to-day basis has been specifically adverted to and highlighted in the order of proceedings during Session Trial.

24. Therefore, in the view of the principles of law laid down by the Hon'ble Supreme Court as above stated, it must also be remembered that an Advocate is an officer of the Court and enjoys a special status in the society. Advocates have obligations and duties to ensure the smooth functioning of the judicial process. They owe a duty to the clients, as the Advocate is an officer of the Court, but not an agent of his client and is a duty bound to assist the Court whenever he receives a brief. The Advocate is a spokesman of the Court and it is his solemn duty to co-operate and co-ordinate with the Court in the



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dispensation of justice. The Advocate shall not step into the shoes of his client and shall not assume himself as if it is his personal case. The Advocate must conduct the case in the most dignified and courteous professional manner. Legal profession is multi-dimensional in character. An Advocate owes a duty to the Court, to his client and to society. A case in the hands of an Advocate is not only his personal brief, but a dispute is coming to the Court and inviting the attention of the Court to resolve it and ultimately, society will get the benefit of it. Hence, in this sense, the legal profession is multi-dimensional in character.

25. The Hon'ble Supreme Court in the case of ***SUPREME COURT BAR ASSOCIATION VS. UNION OF INDIA***⁷ has observed at Paragraph Nos.79 and 80, as follows:

"79. An Advocate who is found guilty of contempt of court may also, as already noticed, be guilty of professional misconduct in a given

⁷1998 (4) SCC 409



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case but it is for the Bar Council of the State or Bar Council of India to punish that Advocate by either debarring him from practice or suspending his licence, as may be warranted, in the facts and circumstances of each case. The learned Solicitor General informed us that there have been cases where the Bar Council of India taking note of the contumacious and objectionable conduct of an advocate, had initiated disciplinary proceedings against him and even punished him for "professional misconduct", on the basis of his having been found guilty of committing contempt of court. We do not entertain any doubt that the Bar Council of the State or Bar Council of India, as the case may be, when apprised of the established contumacious conduct of an advocate by the High Court or by this Court, would rise to the occasion, and take appropriate action against such an advocate. Under Article 144 of the Constitution "all authorities civil and judicial, in the territory of India shall act in aid of the Supreme Court". The Bar Council which performs a public duty and is charged with the obligation to protect the dignity of the profession and maintain professional standards and etiquette is also obliged to act "in aid of the Supreme Court". It must, whenever, facts warrant rise to the occasion and discharge its duties uninfluenced by the position of the contemner advocate. It must act in accordance with the prescribed procedure, whenever its attention is drawn by this Court to the contumacious and unbecoming conduct of an advocate which has the tendency to interfere with due administration of justice. It is possible for the High Courts also to draw the attention of the Bar Council of the State to a case of professional misconduct of a contemner advocate to enable the State Bar Council to proceed in the manner prescribed by the Act and



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the rules framed thereunder. There is no justification to assume that the Bar Councils would not rise to the occasion, as they are equally responsible to uphold the dignity of the courts and the majesty of the and prevent any interference in the administration of justice. Learned counsel for the parties present before us do not dispute and rightly so that whenever a court of record, records its findings about the conduct of an Advocate while finding him guilty of committing contempt of court and desires or refers the matter to be considered by the concern Bar Council concerned, appropriate action should be initiated by the concerned Bar Council in accordance with law with a view to maintain the dignity of the courts and to uphold the majesty of law and professional standards and etiquette. Nothing is more destructive of public confidence in the administration of justice than incivility, rudeness or disrespectful conduct on the part of a counsel towards the court or disregard by the court of the privileges of the bar. In case the Bar Council, even after receiving 'reference' from the court, fails to take action against the concerned advocate concerned, this court might consider invoking its powers under Section 38 of the Act by sending for the record of the proceedings from the Bar Council and passing appropriate orders. Ofcourse the appellate powers under Section 38 would be available to this Court only and not to the High Courts. We, however, hope that such a situation would not arise.

80. In a given case it may be possible, for this Court or the High Court, the prevent the contemner advocate to appear before it till he purges himself of the contempt but that is much different from suspending or revoking his licence or debarring him to practice as an advocate. In a



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case of contemptuous, contumacious, unbecoming or blameworthy conduct of an Advocate-on-Record, this court possesses jurisdiction, under the Supreme Court Rules itself, to withdraw his privilege to practice as an Advocate-on-Record because that privilege is conferred by this court and the power to grant the privilege includes the power to revoke or suspend it. The withdrawal of that privilege, however, does not amount to suspending or revoking his licence to practice as an advocate in other courts or Tribunals."

26. Further, the Hon'ble Supreme Court in the case of **EX-CAPT. HARISH UPPAL VS. UNION OF INDIA AND ANOTHER**⁸ has observed at Paragraph No.44, as follows:

"44. It is true that advocates are part and parcel of the judicial system as such they are the foundation of the justice-delivery system. It is their responsibility of seeing that justice-delivery system works smoothly. Therefore, it is for each and every Bar Association to be vigilant in implementing the resolution passed by the Bar Council of India in its resolution has also stated that the resolution passed by it would be implemented strictly and hence, the Bar Associations and the individual members of the Bar Associations would take all steps to comply with the same and avoid cessation of the work except in the manner and to the extent indicated in the resolution.

⁸(2003) 2 SCC 45



27. Down the memory lane, during the freedom movement, when India was under British Rule, many legal luminaries fought for freedom to liberate India from the Britishers. Such a golden legal history is ours and in this regard, the 131st Reports of the Law Commission of India, while considering the subject "Role of the Legal Profession in Administration of Justice" at Paragraph Nos.1.10 and 1.11, it is stated as follows:

"1.10. Although the establishment of the Indian legal profession was originally a case of 'transfer of a western institution' brought about by a foreign power to meet the exigencies of its administration in India, it soon assumed the leadership of national struggle for independence. The profession played a stellar role in the movement for independence. It acquired its awareness because of its connection with British democratic institutions through legal literature. The Indian National Congress which led the movement for independence became the rallying ground for the legal luminaries of the time, such as Gopal Krishan Gokhale, Lokmanya Bal Gangadhar Tilak, Mahatama Gandhi, the Father of the Nation, Motilal Nehru, Chittaranjan Das, Dr. Rajendra Prasad, Sardar Vallabhai Patel, Vithalbhai Patel, Pandit Jawaharlal Nehru and many others. Most of them who survived occupied positions of eminence in independent India.



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1.11. It is uncontroverted that the members of the Indian legal profession occupied a vantage position in freedom movement. Members of the legal profession acquired the respectability of being leaders of thought and society. Participation of the members of the legal profession in the then socio-political stream was also evidenced by growing participation of Indians in the administration of various Provincial Legislative Councils under the British Government's policy of granting limited Provincial autonomy. Till the advent of freedom, it cannot be gainsaid that the members of the legal profession occupied a vantage position."

28. The lawyers, in this clause have come to believe that they are entitled to a special consideration distinct from ordinary citizens because they have a nexus to Courts and deal with the Judges directly, from day to day. The Advocates are the pillars of administration of justice and they are the officers of the Court. They facilitate the Court in delivering the justice to the litigants. The Bar Council of India and the State Bar Councils regulate the legal profession.

29. The Hon'ble Supreme Court in the case of
DHANRAJ SINGH CHOUDHARY VS. NATHULAL



VISHWAKARMA⁹ has observed that "The profession is a noble profession. It is not a business or a trade. A person practising law has to practise in the spirit of honesty and not in the spirit of mischief-making or money-getting. An advocate's attitude towards and dealings with his client has to be scrupulously honest and fair."

30. The credibility and reputation of the profession depends upon the manner in which the members of the profession conduct themselves. The profession itself requires safeguarding of high moral standards. The Advocate, as an officer of the Court and the overwhelming duty of the lawyer is to the Court, that's all of his profession and to the public. The Advocates must remember that they are equal partners with the Judges in the administration of justice. If the lawyers do not perform their functions properly, it would be destructive of democracy and the rule of law. "Law is no trade, briefs no

⁹AIR 2012 SCC 628



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merchandise.” The Advocate, being an officer of the Court has a duty to ensure smooth functioning of the Court.

31. Part VI, Chapter-II of the Bar Council of India Rules under the Advocates Act, 1961, reads as follows:

“The preamble to the Standards of Professional Conduct and Etiquette, Part VI, Chapter-II of the Rules on Professional Standards itself mentions about the conduct expected from the Advocates. It makes obligatory that an advocate shall, at all times, comport himself in a manner befitting his status as an officer of the Court, a privileged member of the community, and a gentleman, bearing in mind that what may be lawful and moral for a person who is not a member of the Bar, or for a member of the Bar in his nonprofessional capacity may still be improper for an advocate. Without prejudice to the generality of the foregoing obligation, an advocate shall fearlessly uphold the interests of his client and in his conduct conform to the rules hereinafter mentioned both in letter and in spirit. The rules hereafter mentioned contain canons of conduct and etiquette adopted as general guides; yet the specific mention thereof shall not be construed as a denial of the existence of other equally imperative though not specifically mentioned.”

32. The Hon’ble Supreme Court in the case of **BAR COUNCIL, MAHARASHTRA VS. M.V. DABHOLKAR**¹⁰ has

¹⁰AIR 1976 SC 242



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observed at Paragraph No. 15 and 16 as follows: (to be asked)

"15. Now to the legal issue bearing on canons of professional conduct. The rule of law cannot be built on the ruins of democracy, for where law ends tyranny begins. If such be the keynote thought for the very survival of our Republic, the integral bond between the lawyer and the public is unbreakable. And the vital role of the lawyer depends upon his probity and professional lifestyle. Be it remembered that the central function of the legal profession is to promote the administration of justice. If the practice of law is thus a public utility of great implications and a monopoly is statutorily granted by the nation, it obligates the lawyer to observe scrupulously those norms which make him worthy of the confidence of the community in him as a vehicle of justice — social justice. The Bar cannot behave with doubtful scruples or strive to thrive on litigation. Canons of conduct cannot be crystallised into rigid rules but felt by the collective conscience of the practitioners as right:

"It must be a conscience alive to the proprieties and the improprieties incident to the discharge of a sacred public trust. It must be a conscience governed by the rejection of self-interest and selfish ambition. It must be a conscience propelled by a consuming desire to play a leading role in the fair and impartial administration of justice, to the end that public confidence may be kept undiminished at all times in the belief that we shall always seek truth and justice in the preservation of the rule of law. It must be a conscience, not shaped by rigid



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rules of doubtful validity, but answerable only to a moral code which would drive irresponsible Judges from the profession. Without such a conscience, there should be no Judge". [Hastings, Hon John S. : Judicial Ethics as it Relates to Participation in Money-Making Activities — Conference on Judicial Ethics, p. 8. The School of Law, University of Chicago (1964)]

— and, we may add, no lawyer. Such is the high, standard set for professional conduct as expounded by courts in this country and elsewhere.

16. *These background observations will serve to size up the grave misapprehension of the law of professional ethics by the Tribunal appointed by the Bar Council of India. The disciplinary body, acquitting everyone on non-violation of bounds of propriety argued:*

Rule 36 (of the Bar Council of India on Standards of Professional Conduct and Etiquette) is as follows:

"An Advocate shall not solicit work or advertise either directly, or indirectly whether by circular, advertisements, touts, personal communications, interviews not warranted by personal relations, furnishing newspaper comments or procuring his photograph to be published in connection with cases in which he has been engaged or concerned...."

Hence, in order to be amenable to disciplinary jurisdiction, the advocates must have (1) solicited work (2) from a particular person (3) with respect to a case. Unless all the three elements are satisfied, it cannot be said that an advocate has acted beyond the standard of professional conduct and etiquette. It has been stated that the conduct of the advocate concerned did not conform to the



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highest standards of the legal profession. It is not that everybody must conform to the highest standards of the legal profession. It is enough if an advocate conforms to the standards of professional conduct and etiquette as referred to in the rules.

* * *

He (witness Mantri) says further that 7 advocates who are personally present today I have seen each of them standing either on the ground floor, near the lift or on the first floor either near the lift or in the lobbies of the Esplanade Court and trying to solicit work from the persons coming to the Esplanade Court. This mere attempt to solicit is nothing.

* * *

In order to be within the mischief of Rule 36, not merely canvassing is enough, but canvassing must be for a case with the person who had not till then engaged a lawyer. There is nothing to show either of these things; none of the persons who might have been subjected to these solicitations as they are stated, have been examined to prove the case. Hence this evidence does not establish anything within Rule 36 All that is necessary for us to see is whether the three items referred to have been complied with and we find that they have not been complied with because we do not know what was the nature of the communication, we do not know in connection with which case the solicitation took place and with whom the conversation took place. Hence Mr Shertukde's evidence is not sufficient for the purpose of taking any disciplinary action under Rule 36.

* * *



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Mr Krishnarao v. Pathumdi is the first witness in this case (case of Rai-singhani). He says: "I had seen Kelawala, Mr Baria, Mr Raisinghani, Mr Bhagtani approaching the people visiting the Court and soliciting work from them." This we have already stated is far below the requirement required to be proved under Rule 36 ... He says that he had seen Mr Raisinghani approaching people and soliciting work. He did not ascertain the names of the persons who approached because it was not his business. But as stated above, this evidence does not establish the three elements required to be proved under Rule 36 because we do not know what was the personal communication between him and the persons solicited. We do not know whether it related to a case or not ... Then the next witness is Mr Sitaram Gajanan Shertukde. In cross-examination by Mr Raisinghani he says: "I have seen Mr Raisinghani accosting people. I have seen Mr Raisinghani snatching the papers from the hands of the litigating public. I have seen this more than 10 times. The litigating public from whom the papers were snatched did not say anything that there was a fight between Mr Raisinghani and other lawyer over the papers which were snatched. I did not contact those persons from whom the papers were snatched nor talked to them so he was not concerned with this. Therefore his evidence cannot be sufficient.

(Emphasis ours)"

33. It is worthwhile to extract some Paragraphs in the Article titled as **"Duties and Responsibilities of Advocates in India: An Analysis"** authored by Dr.



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***Naresh Lata Singla, Assistant Professor (C),
Department of Law, Ch. Devi Lal University, Sirsa
(Haryana) and Prof. (Dr.) Mukesh Garg, Department
of Law, Ch. Devi Lal University, Sirsa (Haryana)*** at
Paragraph No.2 under the caption as "***Duties and
Responsibilities of Advocates***" is elaborated and some
of them are as follows:

***"2. Duties and Responsibilities of
Advocates:***

Advocates have to observe multifaceted duties and responsibilities in their professional life. They have to follow the rules which are provided under the Advocates Act, 1961. The standards of professional conduct and etiquettes are provided under the Bar Council of India Rules and non-compliance of which, would invite the application of Section 35 of the Advocates Act dealing with punishment for misconduct. The duties and responsibilities of the advocates are discussed as under:

Advocate's Duties towards the Court: *An Advocate has the following duties towards the court as per Advocates Act, 1961:*

- i. Act in a Dignified Manner: While presenting the case and acting otherwise before a court, Advocate should act in a dignified manner. He should at all times conduct himself with self-respect. However, whenever there is a proper*



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ground for serious complaint against a judicial officer, the advocate has the right and duty to submit his grievance to proper authorities.

- ii. Respect the court: An advocate should always show respect towards the court. An advocate has to bear in mind that the dignity and respect maintained towards judicial office is essential for the survival of a free community.*
- iii. Not communicate in private: An advocate should not communicate in private to a judge with regard to any matter pending before the judge or any other judge. An advocate should not influence the decision of a court in any matter using illegal or improper means such as coercion, breach, bribe etc.*
- iv. Refuse to act in an illegal manner towards the opposition: An advocate should refuse to act in an illegal or improper manner towards the opposing counsel or the opposing parties. He shall also use his best efforts to restrain and prevent his client from acting in any illegal, improper manner or use unfair practices in any matter towards the judiciary, opposing counsel or the opposing parties.*
- v. Refuse to represent clients who insist on unfair means: An advocate shall refuse to represent any client who insists on using unfair or improper means. An advocate shall exercise his own judgment in such matters. He shall not blindly follow the instructions of the client. He shall be dignified in use of his language in correspondence and during arguments in court. He shall not scandalously damage the reputation of the parties on false grounds during pleadings. He shall not use unparliamentary language during arguments in the court.*
- vi. Appear in proper dress code: An advocate should appear in court at all times only in the dress prescribed under the Bar Council of*



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India Rules and his appearance should always be presentable.

- vii. Refuse to appear in front of relations: An advocate should not enter appearance, act, plead or practice in any way before a judicial authority if the sole or any member of the bench is related to the advocate as father, grandfather, son, grandson, uncle, brother, nephew, first cousin, husband, wife, mother, daughter, sister, aunt, niece, father-in-law, mother-in-law, son-in-law, brother-in-law, daughter-in-law or sister-in-law.*
- viii. Not to wear bands or gowns in public places: An advocate should not wear bands or gowns in public places other than in courts, except on such ceremonial occasions and at such places as the Bar Council of India or as the court may prescribe.*
- ix. Not represent establishments of which he is a member: An advocate should not appear in or before any judicial authority, for or against any establishment if he is a member of the management of the establishment. This rule does not apply to a member appearing as "amicus curiae" or without a fee on behalf of the Bar Council, Incorporated Law Society or a Bar Association.*
- x. Not appear in matters of pecuniary interest: An advocate should not act or plead in any matter in which he has financial interests. For instance, he should not act in a bankruptcy petition when he is also a creditor of the bankrupt. He should also not accept a brief from a company of which he is a director.*
- xi. Not stand as surety for client: An advocate should not stand as a surety or certify the soundness of a surety that his client requires for the purpose of any legal proceedings.*

Advocate's Duty to Opponents:



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- i. Not to negotiate directly with opposing party: An advocate shall not in any way communicate or negotiate or call for settlement upon the subject matter of controversy with any party represented by an advocate except through the advocate representing the parties.*
- ii. Carry out legitimate promises made: An advocate shall do his best to carry out all legitimate promises made to the opposite party even though not reduced to writing or enforceable under the rules of the Court.*

Advocate's Duty towards fellow Advocates:

- i. Not advertise or solicit work: An advocate shall not solicit work or advertise in any manner. He shall not promote himself by circulars, advertisements, touts, personal communications, interviews other than through personal relations, furnishing or inspiring newspaper comments or producing his photographs to be published in connection with cases in which he has been engaged or concerned. The Madras High Court issued directions to the Bar Council of India to issue Circulars / Instructions / Guidelines to the State Bar Councils to initiate disciplinary proceedings for misconduct against the Advocates advertising, soliciting works directly or indirectly, whether by circulars, advertisements, touts, personal communication, interviews not warranted by personal relations, furnishing or inspiring newspaper comments or producing his photographs to be published in connection with case where he is engaged or concerned.*



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- ii. *Sign-board and Name-plate: An advocate's sign-board or name-plate should be of a reasonable size. The sign-board or name-plate or stationery should not indicate that he is or has been President or Member of a Bar Council or of any Association or that he has been associated with any person or organization or with any particular cause or matter or that he specializes in any particular type of work or that he has been a Judge or an Advocate General.*
- iii. *Not promote unauthorized practice of law: An advocate shall not permit his professional services or his name to be used for promoting or starting any unauthorized practice of law.*
- iv. *An advocate shall not accept a fee less than the fee which can be taxed under rules when the client is able to pay more.*
- v. *Consent of fellow advocate to appear: An advocate should not appear in any matter where another advocate has filed a vakalatnama or memo of appearance for the same party. However, the advocate can take the consent of the other advocate for appearing. In case an advocate is not able to present the consent of the advocate who has filed the matter for the same party, then he should apply to the court for appearance. He shall in such application mention the reason as to why he could not obtain such consent. He shall appear only after obtaining the permission of the Court.*

Advocate's Duty towards Clients:

- i. *Bound to accept briefs: An advocate is bound to accept any brief in the courts or tribunals or before any other authority in or before which he proposes to practice. He should levy fees which is at par with the fees collected by*



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fellow advocates of his standing at the Bar and the nature of the case. Special circumstances may justify his refusal to accept a particular brief.

- ii. Not withdraw from service: An advocate should not ordinarily withdraw from serving a client once he has agreed to serve them. He can withdraw only if he has a sufficient cause and by giving reasonable and sufficient notice to the client. Upon withdrawal, he shall refund such part of the fee that has not accrued to the client.*
- iii. Not appear in matters where he himself is a witness: An advocate should not accept a brief or appear in a case in which he himself is a witness. If he has a reason to believe that in due course of events, he will be a witness, then he should not continue to appear for the client. He should retire from the case without jeopardizing his client's interests.*
- iv. Full and frank disclosure to client: An advocate should, at the commencement of his engagement and during the continuance thereof, make all such full and frank disclosure to his client relating to his connection with the parties and any interest in or about the controversy as are likely to affect his client's judgement in either engaging him or continuing the engagement.*
- v. Uphold interest of the client: It shall be the duty of an advocate fearlessly to uphold the interests of his client by all fair and honorable means. An advocate shall do so without regard to any unpleasant consequences to himself or any other. He shall defend a person accused of a crime regardless of his personal opinion as to the guilt of the accused. An advocate should always remember that his loyalty is to the law, which requires that no*



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man should be punished without adequate evidence.

- vi. Not suppress material or evidence: An advocate appearing for the prosecution of a criminal trial should conduct the proceedings in a manner that it does not lead to conviction of the innocent. An advocate shall by no means suppress any material or evidence, which shall prove the innocence of the accused.*
- vii. Not disclose the communications between client and himself: An advocate should not by any means, directly or indirectly, disclose the communications made by his client to him. He also shall not disclose the advice given by him in the proceedings. However, he is liable to disclose if it violates Section 126 of the Indian Evidence Act, 1872.*
- viii. An advocate should not be a party to stir up or instigate litigation.*
- ix. An advocate should not act on the instructions of any person other than his client or the client's authorized agent.*
- x. Not charge depending on success of matters: An advocate should not charge for his services depending on the success of the matter undertaken. He also shall not charge for his services as a percentage of the amount or property received after the success of the matter.*
- xi. An advocate should not misuse or takes advantage of the confidence reposed in him by his client.*
- xii. Not appear for opposite parties: An advocate who has advised a party in connection with the institution of a suit, appeal or other matter or has drawn pleadings, or acted for a party, shall not act, appear or plead for the opposite party in the same matter.*



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34. Further, the Hon'ble Supreme Court in the case of **SHAMBHU RAM YADAV VS. HANUM DAS KHATRY**¹¹ has observed that the Advocates also owe duty towards the society and it is held at paragraph No.1, as follows: (to be asked)

"1. Legal profession is not a trade or business. It is a noble profession. Members belonging to this profession have not to encourage dishonesty and corruption but have to strive to secure justice to their clients, if it is legally possible. The credibility and reputation of the profession depends upon the manner in which the members of the profession conduct themselves. There is a heavy responsibility on those on whom duty has been vested under the Advocates Act, 1961 to take disciplinary action when the credibility and reputation of the profession comes under a clout (sic cloud) on account of acts of omission and commission by any member of the profession."

35. Further, in the case of **MAHANT HAKUMAT RAI V. THE CROWN**¹² it reminds us as follows:

"A lawyer should always conduct himself properly in a court of law and exert his least at all times to maintain the dignity of the court but the court has also a reciprocal duty to perform and should not only be discourteous to a lawyer but also should try to maintain the lawyer's

¹¹AIR 2001 SC 2509

¹²AIR 1943 Lah 14



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respect in the eyes of his clients and the general public with whom he has to deal in his professional capacity."

36. Further, the Hon'ble Supreme Court in the case of **R.D. SAXENA VS. BALRAM PRASAD SHARMA**¹³ has held as follows:

"In our country, admittedly, a social duty is cast upon the legal profession to show the people beckon (sic beacon) light by their conduct and actions. The poor, uneducated and exploited mass of the people need a helping hand from the legal profession, admittedly, acknowledged as a most respectable profession. No effort should be made or allowed to be made by which a litigant could be deprived of his rights, statutory as well as constitutional, by an advocate only on account of the exalted position conferred upon him under the judicial system prevalent in the country....."

37. **HON'BLE SRI. V. KRISHNA IYER, FORMER JUDGE OF HON'BLE SUPREME COURT** has stated what are the duties of lawyers, which reads thus:

"The lawyer shall be an instrumentality of the Republic in securing to the whole people as promised in the Preamble, Justice, Social Economic and Political and Fundamental freedoms and Rights incorporated in Law India...

¹³(2000) 7 SCC 264



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He uses the rule of law and moulds the legal system so as to deliver to every member of the populace, even the humblest have/not and the depressed pariah, his constitutional title to justice..."

38. Further, the Hon'ble Supreme Court in the case of **J.S. JADHAV V. MUSTAFA HAJI MOHAMAD YUSUF**¹⁴ has held as follows:

"Advocacy is not a craft but a calling; a profession wherein devotion to duty constitutes the hallmark. Sincerity of performance and the earnestness of endeavor are the two wings that will bare aloft the advocate to the tower of success. Given these virtues other qualifications will follow of their own account. This is the reason why the legal profession is regarded as a noble one."

39. After independence, when the Constitution Assembly was constituted for drafting the constitution for our country, many legal luminaries made significant contributions and devoted their lives to framing of the Constitution of India. Ultimately, what we are referring the Constitution as Bhagadavad Gita is because of contributions by advocates. There was a galaxy of eminent lawyers

¹⁴AIR 1993 SC 1535



during the pre-independence era and after post-independence, some of the legal luminaries can be named, such as Dr. B.R. Ambedkar, Lokamanya Balagangadhar Tilak, Mahamathma Gandhi, Dr.Rajendra Prasad, Motilal Nehru, Bolabai Desai, and many more who have given a great contribution to the legal profession. Therefore, the Advocates are pillars of democracy and administration of law and justice.

40. The Advocates are integral part of the Indian Judicial System; what we are enjoying the fundamental rights and legal rights, as enshrined in the Constitution of India and other statutes, and also by way of judicial pronouncements, the Advocates' contribution is tremendous and immeasurable; therefore, the entire country shall owe to the Advocates for their sacrifice and devotion to the country.

41. It is not only the Advocates alone remind us of all the principles. Also, the Judges have the duties towards



the Bar and to society. Some of which, I quote here as follows:

1. *"Duty to allow Arguments Uninterruptedly*
2. *Judges should extend their helping and Appreciative Hands towards beginners at the Bar*
3. *Judges should Pay Equal Attention to all Lawyers irrespective of their experience at the Bar.*
4. *Bench should support and Ensure the Independence of the Bar.*
5. *Fairness on the part of Judge.*
6. *The judge shall give respect to advocates and litigants."*

42. Also, His Lordship Hon'ble Dr. Justice Shivaraj V.Patil, Former Judge, Supreme Court of India, in His Lordship autobiography "**TIME SPENT DISTANCE TRAVELLED**" (Published by Sparsh Foundation, Fifth Edition : August 2025 at Page Nos.389 and 390) has reminded all of us how a Judge should be. His Lordship in the said book has written a Chapter titled as "**Ten Commandments for a Judge**", which reads as follows:



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"Ten Commandments for a Judge

- I. *To be a good judge, one must first be a good human being.*
- II. *Remember you are not divine but that divine functions are assigned to you. These functions are extraordinary and demand close attention and sensitivity.*
- III. *Your oath is your religion, be true to it; your conscience is your watchman, obey it.*
- IV. *Extend courtesy to others as you would expect it from them. Be polite yet firm in your judgements.*
- V. *Listen patiently and attentively to arguments; this aids in better understanding and writing sound judgments.*
- VI. *Consider evidence and arguments carefully and objectively; not doing so will have an adverse impact on the verdict.*
- VII. *Use technology but don't become its slave; don't surrender your creativity, innovation, and original thinking.*
- VIII. *Do your best to decide cases early and deliver judgements on the appointed date, keeping in mind that litigants may have been waiting for a long period.*
- IX. *Endeavour to find out what is right and where justice lies in a case and not merely who is right between the parties.*
- X. *Maintain good conduct both inside and outside the court, respecting principles of justice and human values."*



43. ***"Conclusion:***

Justice has been pictured in as Goddess of Justice with open eyes holding scale in one hand and the Constitution of India on the other hand. The scales connote the weighing and balancing of rights and privileges. The judge and the lawyer should remember, first and foremost, that in weighing and balancing rights and privileges they are building together a monument in the Temple of Justice. At the same time we should follow principles enshrined in the Constitution of India in letter and spirit in our life.

This building is never-ending, for the process of justice is never finished. It reproduces itself generation after generation in ever-changing forms. In this perspective, the lawyer and the judge are, together, fashioning of tomorrow's chronicle yesterday's experiences in the law; and their daily labours, though seeming at times tedious, uninteresting, and unimportant, will



ultimately play a part in the vast reaches of the future of all mankind.”

44. Hence, with the above principles of law laid down by the Hon’ble Supreme Court in various cases and from the lives of legal luminaries, it is the duty of every Advocate and Judge to constantly remind themselves, every day of above principles to follow in their professional life, either as an Advocate or as a Judge and keep in mind that the Advocates and Judges are giving their own contribution to nation-building is significant. Nation-building is a continuous process for time immemorial for centuries together. Through a well-merited legal brain, a strong and vibrant nation can be built in achieving a welfare State in the Country. Hence, this case shall remind all of us and make us introspect what we are and what is our contribution to society and to the nation. With this object in mind, now I of the opinion not to take harsh steps to Sri. S. Rangaswamy, Advocate, hoping that he



would change his behavior in future in his professional life. Therefore, the order dated 16.04.2026 in Criminal Petition No.100680/2026, so far as taking action against Sri. S. Rangaswamy, Advocate, is hereby recalled. Hence, the actions to be taken, namely, initiating proceedings for criminal contempt of Court, directing the Karnataka State Bar Council to take action against the said Sri. S. Rangaswamy, Advocate, and initiation of criminal proceedings as per provisions of the Indian Penal Code/Bharatiya Nyaya Sanhita, 2023, as the case may be are hereby recalled.

45. The other orders, observations and texts in the order dated 16.04.2026 are kept intact.

46. However, as a warning to the Advocate, Sri. S. Rangaswamy, the Court is of the opinion to impose nominal fine amount and other social action needs to be directed to be performed by the said Sri. S. Rangaswamy, Advocate.



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47. In the result, I proceed to pass the following:

ORDER

- i. The affidavit of apology tendered by Sri. S. Rangaswamy, Advocate, is accepted.
- ii. The order dated 16.04.2026 passed in Criminal Petition No.100680/2026 is hereby recalled insofar as on the following directions only are concerned:
 - a. Initiation of proceedings for criminal contempt of Court against Sri. S. Rangaswamy, Advocate.
 - b. Directing the Karnataka State Bar Council, Bengaluru, to take necessary action against the said Sri. S. Rangaswamy, Advocate.
 - c. Initiation of criminal proceedings under the provisions of the Indian Penal Code/Bharatiya Nyaya Sanhita, 2023, against the said Advocate.
- iii. All above three are hereby recalled.
- iv. However, symbolically, the said Sri. S. Rangaswamy, Advocate, is imposed fine of Rs.1000/- payable to the District



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Legal Services Authority, Ballary, and shall also plant 1,000 fruit bearing saplings on any land belonging to the Government or in any school/college premises and maintain them by providing water and fertilizer.

- v. In view of the above observations, the affidavit of apology is hereby accepted and the above-said proceedings as ordered on 16.04.2026 are dropped.
- vi. The other observations orders and findings in the order dated 16.04.2026 are kept intact.
- vii. Sri.S.Rangaswamy, Advocate is directed to file an affidavit of compliance of directions issued at sl.no.(iv) above stated, on or before 31.10.2026.
- viii. Post this matter on 02.11.2026.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE