



2026:KER:74965

COC(Crl.)2/2019

(1)

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

FRIDAY, THE 18TH DAY OF SEPTEMBER 2026 / 27TH BHADRA, 1948

CONT.CAS.(CRL.) NO. 2 OF 2019

PETITIONER/S:

S.ASWAKUMAR
AGED 60 YEARS
ADVOCATE, S/O.SUKUMARAN, KAUSTHUBHAM, NEAR SBI,
VANCHIYOOR, THIRUVANANTHAPURAM.

BY ADV SHRI.J.S.AJITHKUMAR

RESPONDENT/S:

KOCHOUSEPH CHITTELAPPILLY
AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER,
(FOUNDER AND CHAIRMAN, V-GUARD GROUP OF COMPANIES),
K.CHITTELAPPILLY TOWER, BMC ROAD, KAKKANAD, THRIKKAKARA
P.O., ERNAKULAM-682021.

BY ADVS.
SHRI.V.B.HARI NARAYANAN (B/O)
SMT.SHAZIA BINT ASHRAF
SRI.JOSEPH KODIANTHARA (SR.)

THIS CONTEMPT OF CASE (CRIMINAL) HAVING COME UP FOR ADMISSION ON
18.09.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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DR.A.K.JAYASANKARAN NAMBIAR & MOHAMMED NIAS C.P, JJ

.....

Contempt of Court Cases (Criminal) No.2 of 2019

.....

Dated this the 18th day of September, 2026**JUDGMENT****Mohammed Nias C.P., J.**

The petitioner, an advocate and a life member of the Kerala High Court Advocates' Association, has filed this petition under Section 15(2) of the Contempt of Courts Act, 1971, seeking action against the respondent for contempt of court. The petitioner had earlier moved Sanction Petition No.1/2019 before the Advocate General of Kerala, which was allowed by order dated 21.06.2019 (Annexure A4).

2. The allegation is that the respondent had submitted a complaint to the Honourable Chief Justice regarding certain remarks attributed to a learned Single Judge of this Court, said to have been made in the course of the hearing of W.P.(C) No.1107/2007, wherein there was a claim for compensation preferred by a person who suffered grievous injuries at

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the Veegaland Amusement Park, Kochi, in 2002, against the respondent.

3. Annexure A1, the respondent's complaint dated 08.02.2019, refers to oral observations allegedly made by the learned Judge during the hearings on 17.01.2019, 24.01.2019 and 05.02.2019, and reported in various newspapers, to the following effect:

(i) “Why is Chittilappilly — who roams the world in rockets — inconsiderate to this young man?”

(ii) “This is an incident which exposes those people who seek big publicity by making small charitable contributions.”

(iii) “It is immaterial how much money you make — you will not be able to take a single penny to the other world.”

(iv) “The Company is worthless.”

(v) “The respect towards him is lost.”

4. Through Annexure A1, marked also to the Honourable Chief Justice of India, the respondent sought a determination of whether such personal remarks were necessary for the adjudication of the matter pending before the Court.

5. The learned Advocate General, examining the sanction petition, found that the respondent had neither been present during the hearings



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nor verified the accuracy of the newspaper reports before forwarding the complaint, and that the object of doing so was to lower the dignity of the Court and simultaneously to publicise the respondent's own charitable endeavours. Reliance was placed on the affidavit dated 17.06.2019 of Advocate Sri Saju S. Nair, who appeared for the claimant in W.P.(C) No.1107/2007, affirming that he had not heard the learned Judge make any of the observations attributed to him. On this basis, the Advocate General held that the respondent had made reckless imputations against a sitting Judge of this Court, intended to affect the dignity of the Court, and accordingly granted sanction to initiate contempt proceedings.

6. The materials on record, particularly the affidavit of the advocate who appeared in the case, show that the newspapers named — Deshabhimani, The Times of India, Marunadan Malayali, The News Minute, Newsrupt, Asianet News and Mangalam TV — that attributed the observations aforementioned to the learned Judge, were never impleaded in the sanction petition. Resultantly, it was on the strength of

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these unverified reports, and not on any first-hand knowledge, that the respondent addressed Annexure A1 to the Honourable Chief Justice.

7. As for the responsibility cast on Media personnel, it is necessary to reiterate that the print and electronic media must exercise particular care while reporting oral observations made by a Judge in the course of a hearing. Unlike a judgment or a recorded order, an oral remark made is not a considered finding and forms no part of the judicial record. A report that presents such a remark as the Court's conclusion, without context or verification, therefore carries an inherent risk of distortion. Once published, such a report acquires a currency and permanence of its own, is picked up and repeated by other sources, and causes reputational injury to the individual named that cannot be undone by a subsequent clarification or contradiction, which rarely reaches the same audience with the same prominence.

8. The freedom to report judicial proceedings, which is a valuable facet of open justice, is accompanied by a corresponding obligation to verify what is reported, particularly where the remark concerns the

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character or conduct of a named individual, and to reproduce it with fidelity to what was actually said and in the context in which it was said. A report founded on hearsay or on another publication, without independent verification from those present in Court, falls short of this obligation and, as this very case illustrates, can itself become the trigger for proceedings, including contempt proceedings that are traceable not to anything the Court said, but to what was inaccurately reported that it said.

9. Equally, and with more emphasis, we are also of the view that the occasion calls for reiterating the degree of restraint expected of Judges while making oral observations in open court, especially in matters touching upon the character, conduct or reputation of persons. An observation that is not necessary for the adjudication of the issue at hand, that is unsupported by the pleadings or the material on record, or that is capable of causing harm to the reputation of a party or a non-party, ought not to be made, however tempting the occasion. It is a settled and salutary principle that a Judge speaks, and ought to speak,



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only through the judgment or order that he pronounces and that alone is his authorised and accountable voice, rendered upon a considered appraisal of the pleadings, the evidence and the law. An oral observation made across the Bench enjoys no such discipline, is amenable to no correction in appeal and yet, once uttered, is capable of inflicting an injury as real, and at times more enduring, than anything contained in the judgment itself.

10. The Bangalore Principles of Judicial Conduct, 2002, and the Restatement of Values of Judicial Life adopted by the Chief Justices' Conference of India in 1999, which furnish the ethical code binding upon the Indian judiciary, require of a Judge a standard of propriety that goes well beyond the avoidance of actual impropriety; they require the avoidance of even the appearance of it, in every activity, judicial and personal alike. The standard demanded is, in substance, ascetic: a Judge is expected to renounce, in the exercise of judicial office, precisely those things that ordinary public life offers in abundance, viz. attention, applause and publicity, and to conduct himself with a detachment not



unlike that demanded of one who has embraced a life of self-abnegation. Seen against this standard, any tendency on the part of a Judge to make oral observations calculated, or even merely likely, to attract media attention and public notice is difficult to reconcile with the spirit of that code. Such a tendency substitutes the sobriety and accountability of the judgment for the transient and unaccountable currency of a headline, and to that extent it is inimical to the very ethic of restraint and self-effacement that judicial office demands.

11. It bears emphasis that the higher the position a Judge occupies, the greater, and not the lesser, must be the restraint he exercises over his tongue in open court, and the more vigilant he must be against yielding, even unconsciously, to the lure of publicity. Standards of judicial conduct percolate from the top; a Judge occupying higher office who permits himself the latitude of publicity attracting observations sets, by that very example, a benchmark that lesser courts and future occasions will be tempted to emulate, to the corresponding detriment of the institution as a whole. In the present age of live-streaming and

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instantaneous digital reporting, an observation made in the course of a hearing no longer remains confined to the courtroom or to the memory of those present but it travels instantly and irreversibly beyond it, is capable of being isolated from its context, and, once carried in the press, acquires a life that the Judge himself can neither recall nor control. This reality heightens, rather than diminishes, the responsibility of the Court to confine its oral observations to what the adjudication of the matter genuinely requires, and to refrain from remarks addressed to the personal conduct, choices or worth of a litigant or non-party that have no bearing on the issue for decision. Oral remarks that stray beyond the necessities of adjudication serve no judicial purpose; they serve, at best, the passing curiosity of the public.

12. Accurate and verified reporting by the media, on the one hand, and disciplined restraint by the judiciary in respect of observations not necessary for adjudication, on the other, are thus complementary obligations, each reinforcing the other in preserving the dignity of the Court and the reputational interests of those who appear before it.



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13. On the facts before us, we find no case made out to initiate contempt proceedings against the respondent, as the sanction granted was without impleading the authors of the news reports and on a foundation that has not been shown to be factually correct. Accordingly, the order dated 21.06.2019 granting sanction to prosecute the respondent (Annexure A4) is set aside.

This criminal contempt case is disposed of accordingly.

Sd/-

DR.A.K. JAYASANKARAN NAMBIAR
JUDGE

Sd/-

MOHAMMED NIAS C.P.
JUDGE

okb/



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APPENDIX OF CONT.CAS.(CRL.) NO. 2 OF 2019

PETITIONER ANNEXURES

ANNEXURE A1	COPY OF THE OPEN LETTER DATED 08.02.2019 ADDRESSED TO THE CHIEF JUSTICE, HIGH COURT OF KERALA.
ANNEXURE A2	COPY OF THE OPEN LETTER DATED 08.02.2019 BY THE RESPONDENT TO THE MEDIAS FOR PUBLICATION.
ANNEXURE A3	COPY OF THE AFFIDAVIT OF THE SRI.SAJU S.NAIR DATED 17.06.2019 IN SANCTION PETITION NO.1/2019 ON THE FILE OF ADVOCATE GENERAL.
ANNEXURE A4	COPY OF THE ORDER DATED 21.06.19 IN SANCTION PETITION NO.1/2019 OF THE ADVOCATE GENERAL.