

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

Tuesday, the 7th day of March 2023 / 16th Phalguna, 1944
WP(C) NO. 7660 OF 2023(R)

PETITIONER:

YESHWANTH SHENOY, AGED 44 YEARS, S/O.V.L.SHENOY,
"PRIYADARSHINI", VEEKSHNAM ROAD, ERNAKULAM - 682 018.

RESPONDENTS:

1. THE BAR COUNCIL OF KERALA, REPRESENTED BY THE HON. SECRETARY, BAR COUNCIL, BAR COUNCIL BHAVAN, HIGH COURT OF KERALA CAMPUS, ERNAKULAM - 682 031.
2. THE REGISTRAR-GENERAL, HIGH COURT OF KERALA, ERNAKULAM - 682 031.
3. LIVE LAW MEDIA PRIVATE LIMITED, REPRESENTED BY ITS MANAGING DIRECTOR AND HAVING ITS REGISTERED OFFICE AT 3RD FLOOR, 41/3197 D-2 BHAGHEERATHA RESIDENCY, BANERJEE ROAD, ERNAKULAM - 682 018.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to grant the following interim reliefs pending disposal of this Writ Petition (Civil):

(a) Direct the Respondent No.1 to forthwith give a copy of the letter dated 9th February 2023 written by Justice Mary Joseph to the Respondent No.1.

(b) Stay the proceeding under Ext-P1 notice before the Respondent No.1 until the disposal of this writ petition.

(c) Direct the Respondent No.2 to give the copy of the audio video recordings sought under Ext.P3.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SRI.YESHWANTH SHENOY (Party-In-Person), the court passed the following:

P.T.O.

SHAJI P.CHALY, J.

W.P.© No.7660 of 2023

Dated this the 7th day of March, 2023

ORDER

This writ petition is filed by the petitioner seeking the following reliefs:

(i) To quash the Ex-PI notice issued as being issued in violation of the statutory requirements under the Bar Council Rules and Regulations.

Or in the alternative

(ii) direct the Respondent No.1 to comply with the Statutory requirements on receipt of complaints against advocates in accordance with the Rules and Regulations of the Bar Council.

(iii) Direct the Respondent No 2 to inquire /investigate and fix responsibility on the person responsible for having leaked the court. documents to a 3rd person before the same even being served on the alleged contemnor.

(iv) Declare that the audio video recording of this Hon'ble Court be supplied to any interested person on the payment of reasonable fees for the same.

2. In so far as the proceedings initiated against the petitioner by the Bar Council of Kerala – the 1st respondent is concerned, I am of the view that it is a show cause notice. The petitioner has a case that the Bar Council has issued the show cause notice in violation of the provisions of the Advocates Act, 1961 and the rules there to. It is for the petitioner to apprise the said situation before the Bar Council. Even though a contention is raised in the writ petition that the petitioner is not served with the copy of complaint sent to the Bar Council by the Judge concerned, learned counsel appearing for the Bar Council of Kerala submitted that

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on 4.3.2023, the copy of the complaint was sent to the petitioner by speed post. It is also submitted by the petitioner, who is appearing in person, that the petitioner has filed an objection to the show cause notice issued by the Bar Council of Kerala on 7.3.2023.

3. Therefore, the petitioner is entitled as of right to participate in the said proceedings. However, the petitioner has a case that the petitioner has submitted Exhibit P3 letter dated 27th February, 2023 before the Registrar General of this Court, seeking a copy of audio video recording of the court proceedings dated 9th February, 2023 of the Judge concerned and seeks an interim order for preserving the same.

4. In that view of the matter, I am of the view that a direction can be issued to the 2nd respondent to preserve the audio video recording of the court proceedings of the Judge concerned, dated 9th February, 2023, until further orders from this Court. Accordingly, I do so.

smv

Sd/-
SHAJI P. CHALY
JUDGE

APPENDIX OF WP(C) 7660/2023

Exhibit P1

A COPY OF THE SHOW CAUSE NOTICE DATED 14TH FEBRUARY 2023 ISSUED BY THE RESPONDENT NO.1 TO THE PETITIONER.

Exhibit P3

A COPY OF THE LETTER DATED 27 FEBRUARY 2023 WRITTEN BY THE PETITIONER TO THE RESPONDENT NO.2.

