

In the High Court of Judicature at Madras

(Special Original Jurisdiction)

Contempt Petition No. of 2021

P. Pugalenth  
Advocate

... Petitioner

VS

Mr. S. Gurumurthy  
Editor, Thuglak

... Respondent

AFFIDAVIT

I, P. Pugalenth, Son of Thiru. Pandiyan,

do hereby on

solemn affirmation state as under:

1. I am the petitioner herein. I am conversant with the facts of the case. I am competent to file this affidavit.
2. I state that I am an advocate having a standing of more than 19 years at the Bar. I am practicing before the Hon'ble Court and its subordinate Courts.
3. I state that I have recently come across a speech of the respondent in YouTube Video ( <https://www.youtube.com/watch?v=c4yB6RqUVEc> ) said to have been delivered by him in the Thuglak Annual Day Meet at Chennai on 14 January 2021. During his address as the Editor of Thuglak Magazine, he uttered the following words with a view to scandalizing the court:

“இது உச்ச நீதிமன்றத்திற்குப் போகிறது. உச்ச நீதிமன்றத்தில் ஜட்ஜ் கேக்கறாரு... ஒன்றரை கோடி ரூபாய் கட்டிட்டா எல்லாம் சரியாப்பூடும் இல்ல... இந்த அளவுக்கு உச்ச நீதிமன்றம் லஞ்சத்தில்

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*(Handwritten signature)*

ஈடுபடுபவர்களுக்கு கருணை காட்டும்போது எப்படி இந்த நாட்டில்  
லஞ்ச ஊழல் குறையும்? காரணம் என்னவென்றால், இப்ப  
நீதிமன்றத்தில் இருக்கும் நீதிபதிகள், உச்ச நீதிமன்றத்தில் இருக்கும்  
நீதிபதிகள் எல்லோருமே அரசியல்வாதிகளால்  
நியமிக்கப்பட்டவர்கள். யாரோடேயோ யார்மூலமாப் போயி  
யார்காலையோப் பிடிச்சிதான் நீதிபதிகள் பலபேர் வந்திருக்காங்க.  
இது ஒரு... இன்றைக்கு நாம வந்து மிகவும் வருத்தப்பட வேண்டிய  
விஷயம். தகுதியின் அடிப்படையில் நீதிபதிகள் வந்தால்  
இந்தமாதிரி ஒரு நெலமை இருக்காது.”

I state that the above words uttered by the respondent would amount to a publication which scandalizes the Court. Therefore, the respondent has committed "criminal contempt" as defined under Section 2 (c) of the Contempt of Courts Act, 1971.

4. I state that the Supreme Court has in SK Sarkar v Vinay Chandra Misra : AIR 1981 Supreme Court 723, while interpreting Section 15 (1) of the Contempt of Courts Act, 1971, held as follows:

" 18. ... But if the High Court is directly moved by a petition by a private person feeling aggrieved, not being the Advocate-General, can the High Court refuse to entertain the same on the ground that it has been made without the consent in writing of the Advocate-General? It appears to us that the High Court, has, in such a situation, a discretion to refuse to entertain the petition, or to take cognizance on its own motion on the basis of the information supplied to it in that petition. If the petitioner is a responsible member of the legal profession, it may act suo motu, more so, if the petitioner-advocate, as in the instant case, prays that the court should act suo motu."

I state that it is my duty to bring to the notice of the Hon'ble Court that the dignity of the Court is deliberately undermined by a person, who claims to be the Editor of a

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Tamil magazine, by uttering such words as to lower the authority of the Court. The Supreme Court has in *Arundhati Roy, In Re* : (2002) 3 SCC 343 held:

"32. ... The well-known proposition of law is that it punishes the archer as soon as the arrow is shot no matter if it misses to hit the target. The respondent is proved to have shot the arrow, intended to damage the institution of the judiciary and thereby weaken the faith of the public in general and if such an attempt is not prevented, disastrous consequences are likely to follow resulting in the destruction of rule of law, the expected norm of any civilised society."

A bare look at the speech of the respondent would reveal his intention to lower the esteem of the judiciary in the minds of the public. The respondent unhesitatingly says during his speech that many of the judges got their appointments by prostrating at the feet of the politicians and therefore they would be sympathetic to the corrupt politicians. Thus, the respondent has minced no words in announcing to the whole world that there would not be justice at the hands of the judges who were appointed by the politicians. The words used by the respondent would make the people lose faith in the judiciary and would ultimately result in destruction of rule of law.

5. I state that since the respondent has committed "criminal contempt" by making scandalous allegations against the judiciary as a whole, it is a fit case that the Hon'ble Court took action against him on its own motion under Section 15 (1) of the Contempt of Courts Act, 1971.

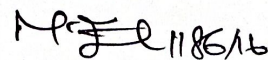
6. I state that I have not filed any other contempt petition against the respondent in the Hon'ble Court or in any other Court. This contempt petition is within time.

It is therefore prayed that the Hon'ble Court be pleased to take action against the respondent on its own motion under Section 15 (1) of the Contempt of Courts Act, 1971 and punish the respondent, and thus render justice.

Solemnly affirmed at Chennai this the 18<sup>th</sup> day of January 2021 and signed his name in my presence

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Before me

  
M. S. SURESH  
No 5, Sunbaramasa  
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