



THE BAR COUNCIL OF TAMILNADU & PUDUCHERRY

High Court Campus,
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R.O.C. No. 7101 of 2021

27.12.2021

Dated

NOTIFICATION NO. 21 OF 2021

It is hereby notified for the general information of the public that the Bar Council of Tamilnadu and Puducherry had passed **prohibitory order** against the following advocate by resolution dated 27.12.2021:-

S.No	NAME	Roll No.	Nature of the Order
1.	Mr. N. Muniasamy, Kidathirukkai Post, Mudukulathur Taluk, Ramnad District - 623 704.	Ms.1080/2005	The Bar Council of Tamilnadu and Puducherry has passed a resolution, dated 27.12.2021 prohibiting him from practicing as an advocate in all Courts, Tribunals and other authorities in India either in his name or in any assumed name till the disposal of Disciplinary proceedings pending against him by considering the misbehavior of Mr. N. Muniasamy, who is the President of the Kamuthi Bar Association with a woman Court Staff within the Court premises.

Asst. SECRETARY, BAR COUNCIL.

Copy to :-

1. The Registrar, Supreme Court, New Delhi.
2. The Secretary, Bar Council of India, New Delhi and all the Secretaries of other State Bar Councils
3. The Registrar, High Court, Chennai & the Registrars of all High Courts in India.

4. All the Principal District Judges in the State & the Chief Judge, Puducherry.
5. The parties concerned and Notice Board
6. The Principal Judge, City Civil Court, Chennai.
7. The Chief Judge, Court of Small Causes, Chennai.
8. Sales Tax Appellate Tribunal, Chennai.
9. Incomes Tax Appellate Tribunal, Chennai-6.
10. State Transport Appellate Tribunal, Chennai.
11. Addl. Bench Sales Tax Tribunal, Madurai & Coimbatore.
12. Tribunal for Disciplinary Proceedings, Chennai.
13. Central Administrative Tribunal, Chennai-6
14. The Labour Courts, Chennai, Madurai & Coimbatore
15. The Chief Metropolitan Magistrate, Egmore, Chennai-8
16. The Chief Secretary to Government of Tamil Nadu, Chennai-9
17. The Secretary to Government, Law Department, Chennai-9
18. The Secretary, Home Department, Government of Tamil Nadu, Chennai-9
19. Director-General of Police, State of Tamil Nadu
20. The Commissioner of Police, Chennai City.
21. Members of this Bar Council
22. All the Bar Associations in the State of Tamil Nadu
23. Madras High Court Advocates Association, Madras Bar Association, Women Lawyers Association, Law Association, Tamil Nadu Advocates Association, Chennai.

The Authorities above mentioned are kindly requested to circulate the copies of this notification to all the Officers under their jurisdiction.

The Bar Associations are requested to put up these Notifications in their Notice Boards.



W.P.(MD)NO.21890 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.21890 of 2021

S.Ramanathan

... Petitioner

Vs.

1. The Superintendent of Police,
Ramanathapuram District.
2. The Deputy Superintendent of Police,
Kamuthi Taluk,
Ramanathapuram District.
3. The Inspector of Police,
Kamuthi police station,
Ramanathapuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to register the complaint of the petitioner dated 04.12.2021.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

* * *



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ORDER

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Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

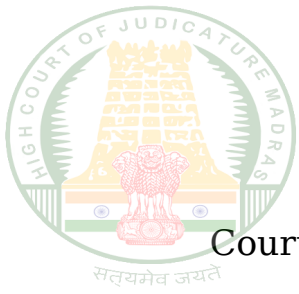
2.The petitioner is a lawyer practising in the Judicial Magistrate cum District Munsif Court, Kamuthi. He came to know in May 2021 that on 13.04.2021, a lady Court staff was sexually assaulted between 3.00 p.m. and 3.30 p.m. in the afternoon in the Court premises by an Advocate by name Shri.N.Muniyasamy who also happens to be the President of Kamuthi Advocates Association. He took up the matter with the in-charge Magistrate. He also spoke to some of the fellow lawyers for initiating action against the Bar President. Instead of acting on the petitioner's request, the petitioner was implicated in Crime No.782 of 2021 for the offence under Section 294(b) of I.P.C. Interestingly, Thiru.Muniyasamy is the defacto complainant therein. Since his complaints did not elicit any response, he filed the present writ petition.



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3. Since an allegation of sexual assault within the Court premises had been made, I directed the Registry to obtain a report from the learned Principal District and Sessions Judge, Ramanathapuram. Pursuant to the said direction, the learned Principal District Judge, Ramanathapuram had submitted his report bearing D.No.A1/8235/2021 dated 15.12.2021.

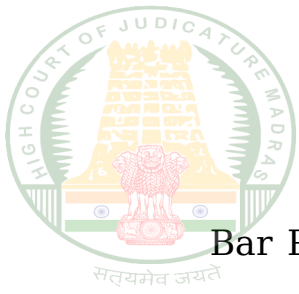
4. The said report mentions that Tmt.S... submitted a grievance petition in the third week of April 2021 seeking transfer to any other Court. She had alleged that she was being disturbed by Thiru.Muniyasamy. Based on her request, she was transferred to another Court. Considering the nature of grievance, the matter was forwarded to the GSICC Committee, Ramanathapuram on 28.04.2021 itself. The Committee took cognizance of the complaint and issued notice to the complainant. The complainant appeared before the Committee on 23.06.2021 at 3.00 p.m. The Chairperson apprised the complainant about her options. The complainant confirmed that the allegations made by her in her complaint are true. Since she had already been transferred to another



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Court, she did not want to pursue the matter against Thiru.Muniyasamy. In view of her stand, the Committee decided not to take any action against Thiru.Muniyasamy. Based on the recommendation of the Committee, the complaint was closed. The learned Principal District Judge has enclosed the said written submission of the victim and the final report of the GSICC Committee, Ramanathapuram along with the report. The report further states that the occurrence was captured in the CCTV and the footage is very much available.

5.The allegations are extremely serious. The matter concerns the safety of a woman employee and the sanctity of the court. The Principal District Judge, Ramanathapuram, in his report has confirmed that the victim had categorically stated that the allegations made by her against Thiru.Muniyasamy, Bar President are true. She however did not want to pursue the matter because she has been granted the relief of transfer. While the complainant/victim may not want to pursue the matter, the Court cannot be a mute spectator to the incident. It cannot gloss it over. Here is a case where there are *prima facie* materials to show that the



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Bar President in a drunken condition misbehaved with a lady Court staff in the Court premises during working hours. The occurrence is said to have taken place on 13.04.2021. It is stated that it was a holiday(Ugadi). The victim was on turn duty and alone in the office. According to her, Thiru.N.Muniyasamy came to her seat at around 3.15 p.m. in a drunken condition and made an improper proposal. After the victim severely warned him, Thiru.Muniyasamy retreated but told her that he would wait for her. The petitioner asserts before me that he happened to see the CCTV footage. According to the petitioner, Thiru.Muniyasamy is seen sexually molesting the victim by pulling her hand and doing a few more things.

6.Since I have not seen the CCTV footage, I refrain from making further comments. Nevertheless, the materials available on record clearly make out offences under Sections 353 and 354 of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998. I, therefore, direct the respondent to register First Information Report based on the petitioner's complaint dated 04.12.2021.



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7.I further direct the learned Principal District Judge,

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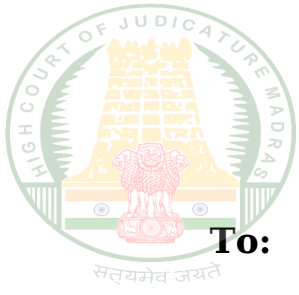
Ramanathapuram to refer the matter to the Bar Council of Tamil Nadu for initiating appropriate disciplinary action against Thiru.N.Muniyasamy, President, Kamuthi Bar Association. The learned Principal District Judge, Ramanathapuram, shall make two copies of the CCTV footage and they will be made available to the Bar Council as well as the Inspector of Police, Kamuthi Police Station. The identity of the victim shall be strictly protected. I make it clear that the issuance of the directions or the observations made in this order would not in any way prejudice the defence which Thiru.N.Muniyasamy may possibly have. All his contentions are left open. I appreciate the writ petitioner Thiru.S.Ramanathan for taking up this cause. This writ petition is allowed.

16.12.2021

Index : Yes / No
Internet : Yes/ No
skm

Note: 1.In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

2.Issue order copy on 23.12.2021.



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To:

WEB COPY

1. The Superintendent of Police,
Ramanathapuram District.
2. The Deputy Superintendent of Police,
Kamuthi Taluk,
Ramanathapuram District.
3. The Inspector of Police,
Kamuthi police station,
Ramanathapuram District.



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G.R.SWAMINATHAN, J.

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16.12.2021