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CNR : KLHC010832302026

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‘CR’

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 17TH DAY OF NOVEMBER 2026 / 26TH KARTHIKA, 1948

WP(C) NO. 37581 OF 2026

PETITIONER(S):

T.B. MINI
AGED 56 YEARS
W/O.RAJEEV, RUTH BHAVAN, CHANGAMPUZHA NAGAR P.O., KOCHI, PIN – 682033

BY ADV. SMT.K.NANDINI

RESPONDENT(S):

1 **THE HON'BLE REGISTRAR GENERAL**
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

2 **THE ADVOCATE GENERAL,**
KERALA STATE, ADVOCATE GENERAL’S OFFICE, NEAR HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

3 **SMT. HONEY M. VARGHESE**
W/O.JIJI JOSE, MELETH HOUSE, KOOTTALA P.O., THRISSUR (FORMER DISTRICT JUDGE/PRINCIPAL AND SESSIONS JUDGE, ERNAKULAM), PIN - 680652

4 **THE UNION OF INDIA,**
THROUGH ITS SECRETARY, MINISTRY OF INFORMATION AND BROADCASTING (MIB), 3RD FLOOR, KARTAVYA BHAWAN, 2, NEW DELHI, PIN - 110001

5 **THE SECRETARY,**
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY

VERDICTUM.IN

CNR : KLHC010832302026

2026:KER:87660

(MEITY), ELECTRONICS NIKETAN, 6, CGO COMPLEX, LODHI ROAD, NEW DELHI, PIN - 110003

BY ADVS.
SRI. P A MOHAMMED SHAH, ADDL. AG
SRI. HARIKUMAR G, R1
SHRI.M.JAYAKRISHNAN, CGC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04.11.2026, THE COURT ON 17.11.2026 DELIVERED THE FOLLOWING:

VERDICTUM.IN

CNR : KLHC010832302026

2026:KER:87660

‘CR’

P.V.KUNHIKRISHNAN, J.

W.P.(C) No.37581 of 2026

Dated this the 17th day of November, 2026

JUDGMENT

The petitioner is a lawyer practising before this Court and various other courts, including the trial courts. The petitioner is aggrieved by an alleged statement by the then Principal District and Sessions Judge, Ernakulam, Smt. Honey M. Varghese, which, according to the petitioner, was stated in open court to the effect that ‘the petitioner was sleeping in the court whenever she came and that she was treating the court as a resting place’. According to the petitioner, the same amounts to criminal contempt by the Judge and this Court has to place the matter before the Hon’ble Chief Justice for consideration to initiate *suo motu* proceedings against the Judge concerned, under Section 16 of the Contempt of Court Act, 1971 read with Rule 7 of

VERDICTUM.IN

CNR : KLHC010832302026

2026:KER:87660

Contempt of Court (High Court of Kerala) Rules, 1988 (for short ‘Act 1971 and Rules 1988’).

2. Before discussing the case of the petitioner in detail, I have to make certain observations generally. Courtroom remarks by a presiding officer may be momentary, but their circulation may embarrass the person against whom they are made. Lawyers deserve dignity and fair treatment, and they should not leave the court, after arguing a case, feeling that the court insulted or humiliated them. A lawyer's right to argue a case on behalf of his/her client before a court of law includes the right to receive fair treatment from the Bench. A judge decides a case based on the arguments raised by a lawyer. Judges and lawyers are officers of the court, and one is not above the other. At the same time, the members of the Bar should not be carried away by social media reactions simply because a Judge made certain observations in open court with good intentions. As is usually observed, the Bench and Bar are two sides of the same coin. In other words, Judges and

VERDICTUM.IN

CNR : KLHC010832302026



2026:KER:87660

lawyers are part of the same family. While deciding cases, Judges may sometimes crack jokes at lawyers, and lawyers may crack jokes at Judges. The dialogues in the courtroom should be confined to the courtroom itself. Judges or lawyers may not intend any harm when they make comments or jokes in court, because a serious courtroom, where only interpretations of law and facts are discussed, can be boring for Judges, lawyers, and litigants, and a joke can ease the mood and atmosphere. Therefore, it is improper for the media to cover such dialogues between a lawyer and a Judge in a way that tarnishes the image of a lawyer or a Judge. The media should know what to neglect and what to project based on their journalistic experience in a sensible manner. Equally, members of the Bar should not be carried away by social media reactions. In such situations, let us neither amplify a colleague's embarrassment nor rush to hold the Bench in contempt without having the full picture and the context in which any remarks are made by the Judge. Our response should be

VERDICTUM.IN

CNR : KLHC010832302026



2026:KER:87660

guided by professional solidarity, restraint and mutual respect, rather than by the impulse to share. I am sure that the media, who always protect the democratic principles of the country, know what to report and what not to report, and they will always uphold those journalistic principles in future too. I leave it there.

3. According to the petitioner, she is not only a lawyer, but a senior trade union leader, a *pro bono* counsel for the distressed clients, and also espouses the cause of women and the underprivileged. The third respondent was the Principal District and Sessions Judge, who conducted the trial in SC No.118/18 and also during the pendency of Crl. MP 5431/24 (In the writ petition, the number is shown as Crl. MP 5431/24, but in the exhibits produced in Ext. P2, it is shown as Crl. MP 5341/24). It is submitted that, because of the petitioner's reputation, experience, and capability as a lawyer, the petitioner was engaged to appear on behalf of the victim involved in SC No.118/18, which was tried by the third respondent. She was engaged

VERDICTUM.IN

CNR : KLHC010832302026

2026:KER:87660

from 2024 onwards, even though the trial started long before that. Before that, the petitioner represented the victim in WP(Crl) 445/22 before this Court. It is submitted that during the course of the trial, certain unforeseen incidents occurred in relation to a memory card involved in that case, which was in the safe custody of the third respondent. It is submitted that the 3rd respondent refused to send the memory card for scientific examination to the Kerala State Forensic Laboratory at Thiruvananthapuram. The State of Kerala, therefore, filed O.P.(Crl) No. 257 of 2022 before this Hon'ble Court, as submitted. This Court issued directions to the third respondent to send the memory card to the State Forensic Laboratory, and in that case, the petitioner also appeared for the victim, is the submission. This Court disposed of the above writ petition, directing the District and Sessions Judge, Ernakulam to conduct a fact-finding enquiry on the allegation of unauthorised access to the memory card and copying and transmitting its contents.

VERDICTUM.IN

CNR : KLHC010832302026

2026:KER:87660

4. It is submitted that the third respondent conducted a fact-finding inquiry and submitted a report before this Hon'ble Court. It is further submitted that even though the inquiry conducted by the third respondent had confirmed the finding of the Kerala State Forensic Laboratory and found that the memory card was accessed, no proceedings provided under the Criminal Procedure Code were resorted to by the third respondent, despite the access of the memory card being while the third respondent was in its custody. Being the advocate for the victim, she has always pointed out the aforesaid illegalities because they were affecting the privacy and life of the victim, which the third respondent may not have liked, is the submission. Therefore, it is the petitioner's case that there is enmity on the part of the third respondent towards the petitioner. SC No. 118/18 was disposed of by the third respondent on 08/12/2025, acquitting four accused, including accused No. 8, who is the alleged chief conspirator, and convicting 6 other accused. On

VERDICTUM.IN



12/12/2025, the sentence was also pronounced by the third respondent. It is submitted that the petitioner had no direct role during the trial, as she was only a lawyer representing the victim. But she was present on all days during the trial after she filed vakalath, and she regularly attended court on all days except on some days when she was sick or engaged in some other court, is the submission. In the former situation, the third respondent openly told the petitioner not to utter a word during trial, as she has no right, is the further submission. According to the petitioner, she was present during the trial of SC No.118/18 for more than 200 days. It is also submitted that the petitioner was present throughout the evidence of the investigating officer, which continued for more than 100 days, as well as the evidence of the defence and the arguments of the prosecution and the defence.

5. While so, some contempt case reference petitions were filed by different persons before the third respondent. Among them, one petition, Crl. MP 5431/24

VERDICTUM.IN

CNR : KLHC010832302026

2026:KER:87660

was filed by the petitioner, in which the respondent was a retired woman IPS officer. Those cases were posted on 12/01/2026 before the third respondent for the hearing of all the parties, is the submission. In the said case, the petitioner was engaged as the counsel for the victim, and her junior was representing the case on that day, is the submission. During the proceedings in the said case, on 12/01/2026, the third respondent behaved in an unwarranted manner, not befitting the seat and stature of a Judge, is the petitioner's grievance. The third respondent made some contemptuous, false and derogatory observations against the petitioner, is the grievance of the petitioner. The alleged statement of the 3rd respondent, which is extracted in paragraph No.8 of the writ petition, is extracted hereunder also:

> “പത്ത് ദിവസത്തിൽ താഴെ മാത്രമാണ് വിചാരണ ഘട്ടത്തിൽ കോടതിയിൽ എത്തിയത്. എത്തുന്ന ദിവസങ്ങളിൽ അരമണിക്കൂർ മാത്രമാണ് ഇരിക്കാറുള്ളത്. ആ സമയം ഇരുന്ന് ഉറങ്ങും. കോടതിയെ വിശ്രമസ്ഥലമായിട്ടാണ് കാണുന്നത്. എന്നിട്ടാ കോടതി കേട്ടില്ല പരിഗണിച്ചില്ല എന്നൊക്കെപറയുന്നത്.”

VERDICTUM.IN

CNR : KLHC010832302026

2026:KER:87660

6. According to the petitioner, the aforesaid statements were patently uncalled for and were false and yet deliberately made by the third respondent to adversely affect the dignity, prestige and decency of the petitioner as a counsel. It is submitted that the statement of the third respondent that the petitioner was found sleeping in court whenever she comes and that she was treating the court as a resting place, and the further allegation that she comments against the court, are all not only false but deliberately intended to insult, defame and question the professional capacity and integrity of the petitioner, who had put in a large number of years in the Bar maintaining high standards of integrity and always respectful to the presiding officers. It is submitted that there had not been any incident in which an occasion arose to suspect the dignified behaviour of the petitioner as a legal practitioner in any one of the courts throughout her career spanning over three decades.

VERDICTUM.IN

CNR : KLHC010832302026

2026:KER:87660

7. According to the petitioner, the aforesaid public statement of the 3rd respondent in the presence of the Press in its entirety is false and against the dignity of the court where the 3rd respondent presides. No judge has authority to utter a word against a lawyer which is likely to affect her profession. It is submitted that, in the case at hand, the statement that the petitioner, as the victim's lawyer, was present in court for less than 10 days is absolutely false and has no basis in truth. The statement that the lawyer comes to the court for sleeping is highly derogatory, false and humiliating to the petitioner as an advocate, as a person, and also as a woman, is the further submission. The further statement of the 3rd respondent, the trial judge, that the petitioner is treating the court as a resting place invites the indignity of both the court and the petitioner, is the further submission.

8. According to the petitioner, such a statement warrants contempt proceedings against the 3rd respondent, who was the Principal District & Sessions Judge at that

VERDICTUM.IN



time, under Section 16 of the Act 1971. It is submitted that the 3rd respondent made these statements, allowing the media to sit in the courtroom. This itself denotes that her statement was willful and intentional, and that she expected a wider reach beyond the courtroom. According to the petitioner, the intention of the 3rd respondent is to spoil the petitioner's profession, and it reeks of malice and mala fide intention. It is submitted that, within seconds after the said statement, all the YouTube Channels and other social media platforms were used by the accused, who was acquitted in SC No.118/18, to air the video defaming the petitioner and her profession. Several news channels created stories against the petitioner and her profession is the grievance of the petitioner.

9. The YouTube channels like Marunadan Malayali, ABC News, etc. and the mainstream media too collected the news from the journalists who were present at the court and aired the news at their whims and fancies, is the submission of the petitioner. At that time, the petitioner

VERDICTUM.IN



was engaged in another case before the High Court, and when the channel reporters contacted the petitioner to get her version, she was shocked. It is submitted that the YouTubers and their supporters, and even the well-wishers and friends of the victim, started believing that the petitioner was not present in the court and she had not done her duty to her client. Added to this, the derogatory, sexist and body-shaming comments from the accounts on social media, the society in general even thought that the petitioner was the lawyer conducting trial in SC No.118/18 and that her alleged performance has resulted in the acquittal of the main accused, is the submission of the petitioner. There were calls from such social media accounts not to engage the petitioner as a lawyer in future, is the grievance of the petitioner. It is submitted that the petitioner's life as a lawyer, as a person, and as a woman, was put in jeopardy by the 3rd respondent's impugned statement and the media attack that ensued. Some of the comments that appeared in the media and circulated inside

VERDICTUM.IN

CNR : KLHC010832302026



2026:KER:87660

and outside the state, and even abroad, are extracted, along with the user handles, in paragraph 12 of the statement of facts in the writ petition. According to the petitioner, the aforesaid comments reveal that they touch intimately on the professional capacity, integrity, and decency of the petitioner, making it appear that she was an incompetent counsel ignorant of legal provisions and unfit to be engaged as counsel. It is submitted that some of the comments even come under the category of body shaming of the petitioner, and it smacks of gender injustice.

10. It is submitted that, when the above derogatory statement was made by the 3rd respondent on 12.01.2026 during the proceedings in Crl.MP No. 5431/24, the petitioner's junior colleague was present in court. The petitioner produced news items pertaining to the 3rd respondent’s statements relayed by the Asianet Channel, Manorama News Channel, Marunadan Malayali YouTube Channel, etc. According to the petitioner, all these caused permanent damage to her dignity and professional

VERDICTUM.IN

CNR : KLHC010832302026



2026:KER:87660

standing. Therefore, it is submitted that this is a fit case in which proceedings under Section 16 of the Act, 1971, are to be initiated. Accordingly, under the Act, 1971, the petitioner filed an application seeking sanction from the 2nd respondent to move in contempt against the 3rd respondent, as evident from Ext.P2. While considering Ext.P2, the 2nd respondent did not record any finding that the 3rd respondent, in fact, did not make the said impugned comments. According to the petitioner, the 2nd respondent overlooked the provisions of Section 16 and failed to interpret them in their letter and spirit. It is submitted that the statements made by the 3rd respondent do scandalise or lower the authority of the court. But, the 2nd respondent dismissed the Ext.P2 petition as per Ext.P3. According to the petitioner, the 2nd respondent has not considered the crucial issue and, therefore, has committed an erroneous exercise of jurisdiction warranting interference by this Court. It is also submitted that Ext.P3 does not bar the petitioner from availing the constitutional remedies or take

VERDICTUM.IN

CNR : KLHC010832302026



2026:KER:87660

away the inherent powers of this Court. Therefore, this Writ Petition is filed seeking the following prayers:

> "(i) Issue a writ of mandamus, or any order or direction, directing the first respondent to graciously accept the contents of the Exhibit P2 as Information and place it before the Hon'ble Chief Justice for consideration to initiate suo motu proceedings against the third respondent under Sec. 16 of the Contempt of Courts Act 1971 read with Rule 7 of the Contempt of Courts (High Court of Kerala) Rules, 1988;
>
> (ii) Issue a writ of certiorari or any other orders or direction in the nature thereof, expunging, deleting, and striking out in their entirety the uncalled for derogatory remarks - "പത്ത് ദിവസത്തിൽ താഴെ മാത്രമാണ് വിചാരണ ഘട്ടത്തിൽ കോടതിയിൽ എത്തിയത്. എത്തുന്ന ദിവസങ്ങളിൽ അരമണിക്കൂർ മാത്രമാണ് ഇരിക്കാറുള്ളത്. ആ സമയം ഇരുന്ന് ഉറങ്ങും കോടതിയെ വിശ്രമസ്ഥലമായിട്ടാണ് കാണുന്നത്. എന്നിട്ടാ കോടതി കേട്ടില്ല പരിഗണിച്ചില്ല എന്നൊക്കെ പറയുന്നത്" - made against the petitioner by the third respondent on 12/01/2026 during the proceedings of Crl MP 5431/24 and reflected in the Exhibits P3 and P4;
>
> iii) To pass an order, directing the first respondent to issue a notification or press release on the official High Court web portal clarifying the

VERDICTUM.IN



expunction of the remarks of the third respondent, ensuring that the petitioner's unblemished professional standing as an officer of the court is restored;

iv) Declare that the statement made by the third respondent against the petitioner on 12/01/2026 during the proceedings of Crl.MP 5431/24 is not part of the judicial proceeding;

(v) Issue a writ of mandamus, or any order or direction, directing the fourth and fifth respondents to issue immediate time-bound executive directives to all the print, electronic and digital media platforms ordering the absolute deletion, removal and takedown of all the news reports, articles and video-based content including the Exhibits P5 and P6 containing the uncalled-for derogatory remarks passed against the petitioner by the third respondent;

(vi) Declare the derogatory and abusive oral statements made against the petitioner by third respondent in open court during the proceedings in Crl MC dated 12/01/2026 as documented in media reports and supporting affidavit of junior colleague as wholly unwarranted, uncalled for, and violative of the principles of natural justice, right to reputation under Article 21, and the right to profession under Article 19 (1) (g).

(vii) Call for the entire records pertaining to the Exhibit P8 order of the second respondent.

VERDICTUM.IN



(viii) Grant such other appropriate writ, direction or order as this Hon'ble Court may deem fit and proper in the fact and circumstances of the case.

ix) Kindly dispense with the production of the translation of vernacular document;"

[SIC]

11. Heard Adv. K. Nandini, learned counsel for the petitioner; Adv. P.A. Mohammed Shah, the learned Additional Advocate General, Adv. Jayakrishnan M., the learned Central Government Counsel and Adv. Harikumar G., the learned Standing Counsel appearing for the 1st respondent.

12. This Court heard the counsel appearing for the petitioner in detail to decide whether the Writ Petition is to be admitted and notice is to be issued to the 3rd respondent. When the case came up for consideration before this Court on 03.11.2026, the counsel for the petitioner sought an adjournment to 04.11.2026 for addressing the Court in detail. Accordingly, the matter was heard in detail on 04.11.2026.

VERDICTUM.IN

CNR : KLHC010832302026

2026:KER:87660

13. The counsel for the petitioner also relied on the judgment of the Apex Court in **State of Uttar Pradesh v. Mohammed Naim [AIR 1964 SC 703]**, **Neeraj Garg v. Sarita Rani and Ors. [AIR 2021 SC 3593]**, **Yatin Narendra Oza v. Suo Motu, High Court of Gujarat [2026 KHC 6349]** and **Shri Baradakanta Mishra v. The Registrar of Orissa High Court and Anr. [1974 AIR 710]**. The Additional Advocate General submitted that the Advocate General had already considered the matter in detail and that no contempt was committed, as alleged. The Additional Advocate General relied on the judgment of this court in **Berely v. Xavier and Anr. [1986 KHC 278],** which was referred in Ext. P3 order passed by the learned Advocate General.

14. The Counsel appearing for the High Court made available the confidential file from which it is clear that, based on the petition filed by the writ petitioner before the Government, for getting sanction under Section 218 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) to prosecute for

VERDICTUM.IN

CNR : KLHC010832302026



2026:KER:87660

the offence of defamation, this Court obtained the remarks of the 3rd respondent and forwarded the same to the Government. The remarks of the 3rd respondent are available in the file, and the same cannot be shared with the petitioner, because it is a confidential file. The Central Government Counsel also submitted that, if this court feels that a detailed hearing is necessary, the Counsel may be given a chance to file a counter affidavit.

15. As I mentioned at the beginning of this judgment, this court perused the pleadings in the writ petition. There is no evidence to show that the 3rd respondent made such an observation in open court, except the version given by the petitioner. This court has not issued notice to the 3rd respondent. This court perused the 3rd respondent's remarks in the sanction petition filed by the writ petitioner before the Government, which was forwarded to the Government. The 3rd respondent denied making such a statement in open court in the above remarks. I am not going to rely on the above remarks, because the petitioner

VERDICTUM.IN

has no access to that file and therefore she cannot contradict the same. Admittedly, the petitioner was not present in court when the alleged statement was made by the 3rd respondent, and she relied on her junior's statement to her. The alleged statement of the 3rd respondent, extracted earlier, is once again extracted hereunder for continuity:

> "പത്ത് ദിവസത്തിൽ താഴെ മാത്രമാണ് വിചാരണ ഘട്ടത്തിൽ കോടതിയിൽ എത്തിയത്. എത്തുന്ന ദിവസങ്ങളിൽ അരമണിക്കൂർ മാത്രമാണ് ഇരിക്കാറുള്ളത്. ആ സമയം ഇരുന്ന് ഉറങ്ങും കോടതിയെ വിശ്രമസ്ഥലമായിട്ടാണ് കാണുന്നത്. എന്നിട്ടാ കോടതി കേട്ടില്ല പരിഗണിച്ചില്ല എന്നൊക്കെ പറയുന്നത്".

16. According to the petitioner, she came to know about this only through her junior. No material is produced before this court, nor has an affidavit been filed by the petitioner's junior before this court to prove that such a statement was given by the Presiding Officer. It is true that Exhibit P2, a photocopy of the application produced before the Advocate General, includes an affidavit of the petitioner’s junior as an annexure. A photocopy of an

VERDICTUM.IN



affidavit, which was also produced along with Exhibit P2, cannot be relied upon by this Court, as it was produced only as an annexure to the sanction petition before the second respondent. Therefore, I am of the considered opinion that there is no material to show that such a statement was made by the Presiding Officer on 12.01.2026 in an open court, except the petitioner's hearsay version and the alleged circulation of the news by the media. According to the petitioner, the media circulated the news, and therefore, she was insulted in public. It is true that the names of some media institutions are mentioned in the writ petition. But none of the media is a party in this writ petition. Therefore, I do not want to make any observation based on the media report.

17. The first prayer in this writ petition is to issue a writ of mandamus or any other direction, directing the 1st respondent to graciously accept the contents of the Ext.P2 as Information and place it before the Hon’ble Chief Justice for consideration to initiate suo motu proceedings against

VERDICTUM.IN



the third respondent under Section 16 of the Contempt of Courts Act 1971, read with Rule 7 of the Contempt of Courts (High Court of Kerala) Rules 1988. This Court perused Ext. P2. Except for the alleged statement given by the 3rd respondent in open court and the public comments on social media when the above news was published, Ext. P2 contains no other details. The photocopy of the junior's affidavit produced in Ext. P2 cannot be accepted as material by this Court for consideration of the prayers in this writ petition. Therefore, without any material, this Court is not in a position to accept the contents in Ext.P2 and thereafter place the matter before the Hon'ble Chief Justice to initiate suo motu contempt proceedings against the 3rd respondent invoking the powers under Section 16 of the Contempt of Courts Act 1971 read with Rule 7 of the Contempt of Courts (High Court of Kerala) Rules 1988.

18. The petitioner relied on the Full Bench's Decision of this court in **Rahim P v. M. V. Jayarajan [2010 (4) KHC 263]** and submitted that this court can take

VERDICTUM.IN

CNR : KLHC010832302026

2026:KER:87660

cognisance under the provisions of the contempt of court case even without the sanction of the Advocate General. The petitioner also relied on the judgment of the Apex Court in **P.N. Duda v. P. Shiv Shankar & Ors. [1988 KHC 986]**, **Bal Thackrey v. Harish Pimpalkhute [2005 KHC 14], and N.Prakash v. R. Ashakumari [2025 KHC 252], as well as the judgment of the Karnataka High Court in Criminal Contempt Petition No. 5 of 2025.** There is no dispute of the dictum laid down in the above judgments. In an appropriate case, this Court can place the information before the Hon'ble Chief Justice for initiating suo motu proceedings under Section 16 of the Contempt of Courts Act, 1971, read with Rule 7 of the Contempt of Courts (High Court of Kerala) Rules, 1988. But here, no material exists except the petitioner's hearsay statement that the 3rd respondent made certain imputations against her when she was not present and only when her junior was present. Her junior has not filed any affidavit before this court. The petitioner has no case that, in any of the judicial

VERDICTUM.IN

CNR : KLHC010832302026



2026:KER:87660

proceedings, the 3rd respondent recorded the same. The petitioner relied on the media report. This Court cannot order the initiation of contempt proceedings against a judicial officer based on the media reports. Then, the counsel for the petitioner insists that notice may be issued to the 3rd respondent to know whether such a statement was made. I am not inclined to issue notice to the 3rd respondent, a sitting judicial officer, unless there is a factual foundation and material to show that she committed contempt. This Court need not issue notice to judicial officers routinely when writ petitions are filed without any material. I therefore reject the petitioner's request to issue notice to the 3rd respondent to find out whether she made such an observation.

19. The main grievance of the petitioner is that because of the imputations made against the petitioner in the open court by the 3rd respondent, the same affected the professional career of the petitioner. The counsel for the petitioner relied on the judgment of the Apex Court in

VERDICTUM.IN

CNR : KLHC010832302026

2026:KER:87660

Mohammed Naim's case (supra). That was a case in which certain observations were made by the Judicial Officer against the police. The relevant portion of the above judgment which contain the facts is extracted hereunder:

> "5. Mr. Justice Mulla heard the application and came to the following main conclusions:-
>
> 1. That the State of Uttar Pradesh was not an aggrieved party and had no locus standi to make an application under S.561A Code of Criminal Procedure in respect of the observations made.
>
> 2. The observations required only one clarification, namely, that they were made in respect of the police force of Uttar Pradesh and not of the whole country.
>
> 3. The observations made under (a) above would have been expunged, if the aggrieved party had approached the learned Judge.
>
> 4. As to the rest of the observations, there were no good grounds for expunging them because they were based upon the learned Judge's personal knowledge and experience and did not contain any over-statements."

20. There is no dispute to the dictum laid down by the Apex Court based on the above facts. As observed by the Apex Court, it is a settled position that judicial pronouncements must be judicial in nature and should not normally depart from sobriety, moderation, and reserve. But here, there is no case

VERDICTUM.IN

CNR : KLHC010832302026



2026:KER:87660

to the petitioner that any observation is contained in any order or proceedings of the 3rd respondent judicial officer. Except for the hearsay statement alleged to have been told by the petitioner's junior to the petitioner and the statement that came in the media, there is no other material showing that such a statement was made by the 3rd respondent in the open Court. This Court cannot initiate contempt proceedings against the judicial officer based on the petitioner's hearsay version of an alleged statement made by the judicial officer in an open court, which is not in the official records, but only in the air. Based on such hearsay versions, this Court cannot initiate any proceedings against a judicial officer. The other judgments produced by the counsel for the petitioner, which are referred to earlier, relate to the principle that when "defamation" is attracted, the respect to be given to lawyers, and the manner in which judicial officers are to behave, etc. There is no dispute with those dictums laid down by this Court and the Apex Court in the judgments relied upon by the petitioner. But here, there

VERDICTUM.IN



is no material to show that such a statement was made by the 3rd respondent in open court, except the petitioner's hearsay evidence, because the petitioner was not even present in the court at that time and only her junior was present. Not even an affidavit of the petitioner's junior is produced along with this writ petition. Therefore, I reject the petitioner's contention.

21. Moreover, the division bench of this Court in **Joseph Kuzhanjalil v. Joseph Pulikunnel [1999 KHC 557]** observed like this:

> "8. It has also been laid down by the Supreme Court in Delhi Judicial Service Association case (1991 (4) SCC 406) that S.15 of the Contempt of Courts Act prescribes the modes for taking cognizance of criminal contempt by the High Court and by the Supreme Court. It is not a substantive provision conferring power on the High Court and the Supreme Court for taking action for contempt of its subordinate courts. The whole object of prescribing procedural modes of taking cognizance under S.15 of the Act is to safeguard the valuable time of the High Court and the Supreme Court being wasted by frivolous complaints of contempt of court. S.15(2) of the Act does not restrict the power of the High Court to take cognizance of the contempt of itself or of a subordinate court, on its own motion although apparently, the Section does not say so. It can thus be seen that the Advocate General moved for sanction, is not taking a decision on whether contempt of court has been committed, but only considers whether

VERDICTUM.IN



> sanction ought to be given on the materials placed before him. But certainly, it is a procedural safeguard to weed out frivolous or unnecessary motions being made before the Court for initiation of contempt action. In that context, when the Court is moved after sanction is refused by the Advocate General, the Court has necessarily to keep that fact in mind before deciding to initiate suo motu action for contempt of court. As observed by the Division Bench in the Guruvayur Devaswom case referred to earlier, the view of the Advocate General in that context, is entitled to weight and due consideration. But that is different from saying that the Court cannot initiate action merely on the ground that the Advocate General has not granted the consent sought for in a given case." (*Underline supplied)*

22. This Court observed that the view of the Advocate General is entitled to weight and due consideration, while considering a writ petition for initiating contempt without the sanction of the Advocate General. Therefore, this Court perused the Ext.P3 order. It will be better to extract the relevant portion of Ext.P3:

> "As per Section 16 of the Act, a judge, magistrate or other person acting judicially shall also be liable for contempt of his own Court or of any other Court in the same manner as any other individual is liable and the provisions of the Act shall, so far as may be, apply accordingly. As per Section 15(2) of the Act, in the case of any criminal contempt, inter alia, of a subordinate court, the High Court may take action on a reference made to it by the subordinate court or on a motion made by the Advocate General.
>
> The question to be considered is as to whether the

VERDICTUM.IN



above quoted words, even if stated by the respondent during the course of a proceeding in the Court, will amount to criminal contempt as defined under the Act. In this connection, it will be worthwhile to have a reference to judgment of the Hon'ble High Court of Kerala in Berely v. Xavier and another reported in 1986 KHC 278, dealing with a similar situation. Paragraph 15 of the said judgment (paragraph number with regard to KHC citation) is reduced hereunder for easy reference:

> "*It is axiomatic that counsel do form an integral part of the machinery of administration of justice. Any abuse, insult or aspersions cast on them in the course of discharge of their duties which will interfere with the administration of justice by deterring them from doing their duty should be discouraged. Counsel who appear for parties are also, in a way, officers of the Court and must be fully protected.* ***But excessive or extravagant language should be differentiated from contempt*** *as observed by the Privy Council in Parashuram Detaram v. Emperor (AIR 1945 PC 134)." (Emphasis supplied)*

On a perusal of the statement allegedly made by the respondent, I am of the considered opinion that the same does not scandalise or tends to scandalise or lowers or tends to lower the authority of any court or prejudices or interferes or tends to interfere with the due course of any judicial proceeding or interferes or tends to interfere with or obstructs or tends to obstruct the administration of justice in any other manner, thus not answering to the definition of criminal contempt under Section 2(c) of the Act. The said statement, if actually made, at the best, may amount to use of excessive or extravagant language, as held in Berley cited supra, which is to be differentiated from contempt.

On a consideration of the scheme of Section 15 of

VERDICTUM.IN

CNR : KLHC010832302026

2026:KER:87660

the Act, particularly in sub-section (1) of Section 15 and the Explanation to Section 15, it will be discernible that the consent under Section 15(1)(b) of the Advocate General is for filing a motion of criminal contempt against the High Court. On a reading of Section 15(2) of the Act, in any criminal contempt of a subordinate court, the High Court is to take action on a reference made to it by the subordinate court or on a motion made by the Advocate General. As per Section 16 of the Act, the other provisions of the Act shall, so far as may be, applied to contempt by a Judge, Magistrate or other person acting judicially. On a conjoint consideration of Sections 15(2) and Section 16 of the Act, in a case of contempt committed by a judge of the subordinate court against the said subordinate court itself, it is for the Advocate General to make a motion before the Hon'ble High Court for action on criminal contempt. In so far as, for the reasons stated above, I am of the considered opinion that the statement allegedly made by the respondent, even if taken to be wholly true, cannot answer to the definition of *criminal contempt* under the Act, I do not intend to make a motion for criminal contempt against the respondent.

In the said circumstances, I am of the opinion that there is no need for entertaining the captioned sanction petition. Consequently, the captioned sanction petition is dismissed."

23. I am of the considered opinion that the finding of the Advocate General in Ext. P3 order is correct. This Court, in **Berely v. Xavier and Another [1986 KHC 278]**, observed that excessive or extravagant language should be distinguished from contempt. Therefore, even if it is found that the above remarks were made by the 3rd respondent to a

VERDICTUM.IN



lawyer in her stressful professional duty, the same cannot be treated as contempt.

24. It is true that judicial officers should not make oral observations in Court, especially in this new era of social media. This court also perused the news item relayed by the media, which is produced as Exhibit P1. Those media are not parties in this writ petition. Therefore, I am not in a position to comment on the same. The media should also bear in mind that oral observations by judges and lawyers should not be treated as news, especially when it may hurt a party. The judges speak through their judgments. To decide a case or persuade a lawyer to argue it, there may be some courtroom dialogue. It is improper for the media to make this news, as it will cause serious damage to the lawyers and the Judges too. The petitioner has been practising before this Court for the last several years. There is no complaint against the petitioner's capacity as a lawyer. Therefore, the petitioner need not worry about the social media comments against her. A

VERDICTUM.IN

CNR : KLHC010832302026

2026:KER:87660

lawyer is to be assessed by the judges, and this Court has no doubt about the petitioner's capacity as a lawyer. Therefore, the petitioner should also ignore those comments and carry out her professional duties to the best of her ability, and one day she will be rewarded for the same. I leave it there.

In light of the above discussion in the judgment, I am not inclined to entertain this writ petition, and there is no merit in it. Accordingly, this writ petition is dismissed.

I.A. Nos. 1 & 2 of 2026

After reserving judgment on 04.11.2026 and dictating the judgment to my confidential assistants from my Chamber on 07.11.2026, IA Nos. 1 and 2 of 2026 were filed on 09.11.2026, and the registry placed them before me. I think the case need not be listed again for hearing these petitions. IA No. 1/2026 is filed to implead respondents 6 to 9, who are news channels and YouTube channels. I am of the considered opinion that this Court need not conduct a roving inquiry to determine whether

VERDICTUM.IN

CNR : KLHC010832302026

2026:KER:87660

the judicial officer made such an observation in open court, in the light of the above discussion in this judgment.

Similarly, IA No.2/2026 is filed to call for the records pertaining to Crl.M.P No.5431/2024, on the file of the Principal Sessions Court, Ernakulam. The petitioner has no case that the observations alleged to have been made by the officer are recorded in the above proceedings. Therefore, there is no purpose in calling for those records also.

Therefore, IA Nos.1 and 2 of 2026 are also rejected.

Sd/-

P.V.KUNHIKRISHNAN,
JUDGE

nvj/DM/SSG/AJ

Judgment reserved	04.11.2026
Date of Judgment	17.11.2026
Judgment dictated	07.11.2026
Draft Judgment placed	09.11.2026
Final Judgment uploaded	17.11.2026

VERDICTUM.IN

CNR : KLHC010832302026

2026:KER:87660

APPENDIX OF WP(C) NO. 37581 OF 2026

PETITIONER EXHIBITS

Exhibit P2	**TRUE COPY OF THE SANCTION PETITION NO. 2/2026 DATED 26/02/26 ON THE FILE OF THE SECOND RESPONDENT**
Exhibit P3	**TRUE COPY OF THE ORDER DATED 22/04/2026 IN SP 2/2026 ON THE FILE OF THE SECOND RESPONDENT.**