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Cont. Case (Crl) No. 3 of 2024

:1:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR. JUSTICE JOBIN SEBASTIAN

WEDNESDAY, THE 16TH DAY OF JULY 2025 / 25TH ASHADHA, 1947

CONT.CAS. (CRL.) NO. 3 OF 2024

PETITIONER:

SUO MOTU
HIGH COURT OF KERALA, PIN - 682031

ADV. DHEERENDRA KRISHNAN.K.K.

RESPONDENT:

P K SURESH KUMAR
S/O KUNJAN, PUTHENPURAYIL (HOUSE), THIRUVALOOR,
T BHAGAM, ALANGAD VILLAGE, ERNAKULAM DISTRICT,
PIN - 683511

THIS CONTEMPT OF CASE (CRIMINAL) HAVING COME UP FOR FINAL
HEARING ON 16.07.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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Cont. Case (Crl) No. 3 of 2024

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J U D G M E N T

In **Rustom Cowasjee Cooper vs Union Of India**¹, while ordering the initiation of contempt proceedings against the contemnor, the Hon'ble Supreme Court, speaking through Hidayatullah, C.J., made the following observations:

"While fair and temperate criticism of this Court or any other Court, even if strong, may not be actionable, attributing improper motives, or tending to bring Judges or Courts into hatred and contempt or obstructing, directly or indirectly, the functioning of Courts is serious contempt of which notice must and will be taken. Respect is expected not only from those to whom the judgment of the Court is acceptable but also from those to whom it is repugnant. Those who err in their criticism by indulging in vilification of the institution of Courts, the administration of justice, and the instruments through which the administration acts, should take heed, for they act at their own peril."

2. The present proceedings under the Contempt of Courts Act, 1971, ("the Act" for the sake of brevity), have been initiated under Section 15 of the Act against the respondent for publishing contemptuous and intemperate

¹ [AIR 1970 SC 1318]



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remarks directed at the Judges of this Court through various posts on social media platforms.

3. It is relevant to note that earlier, suo motu contempt proceedings had been initiated against the respondent for making derogatory and scandalous statements against a Judge of this Court through the online news portal "Marunadanmalayali.com." Those proceedings were triggered by social media posts authored by the respondent, which were found to be intended to scandalise the Court, undermine its authority, and interfere with the administration of justice.

4. During the pendency of the said proceedings, the respondent tendered an unconditional apology. A Bench of this Court, being satisfied that the apology conformed to the requirements of Rule 14(a) of the Contempt of Courts (High Court of Kerala) Rules 1988, accepted the same and accordingly discharged the respondent.

5. However, shortly thereafter, the respondent resumed activity on social media using the same profile "facebook.com/sureshkumaar.pk"—from which the earlier contemptuous posts had originated. He proceeded to publish a series of fresh posts in rapid succession.



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6. In the first of these posts, dated 09.03.2024, the respondent openly recounted the strategy he had adopted to evade punishment in the earlier contempt proceedings, suggesting that the apology tendered therein was merely a tactical ruse and not a genuine expression of remorse.

7. In a subsequent post dated 11.03.2024, the respondent alleged that the Judges comprising the Devaswom Bench of this Court were functioning under the influence of the "Sangh Parivar" and other external agencies, and that judgments were being rendered to appease such factions. He further claimed that the Senior Judge of the Bench was motivated by a desire to curry favour with certain institutions outside the Collegium system of the Hon'ble Supreme Court in pursuit of elevation. The respondent also made serious allegations that lawyers affiliated with the Sangh Parivar were frequenting the chambers of the learned Judge and exerting undue influence in Devaswom related matters by offering inducements.

8. In a Facebook post dated 12.03.2024, the respondent attributed improper motives to another sitting Judge of this Court, alleging that the Judge had publicly endorsed the Sangh Parivar and participated in events organised by such groups, purportedly to secure favour from them.



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9. On 15.03.2024, the respondent published another post, wherein he accused a Judge of this Court of acting under political compulsions with the intent to suppress or whitewash investigations carried out by Central Investigating Agencies against a State Minister. He further imputed improper motives in the rendering of judicial decisions in politically sensitive cases.

10. On 17.03.2024, the respondent wrote a post characterising oral observations made by a learned Judge in open Court as “verbal diarrhoea.”

11. It is contended in the petition that the posts, taken cumulatively, reveal a concerted and sustained attempt by the respondent to portray Judges of this Court as lacking independence, acting with improper motives, and as being guided by extraneous, political, and communal considerations. It is alleged in the petition that the content and tenor of the posts were such as to erode public confidence in the judiciary, tarnish its institutional integrity, and obstruct the due course of judicial proceedings. It was in this context, and upon being satisfied that the respondent’s conduct was calculated to bring the administration of justice into disrepute and to scandalise the Court, that the present suo motu contempt proceedings were initiated.



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12. By order dated 10.07.2024, this Court found that a prima facie case of Criminal Contempt has been made out and notice in terms of Rule 9(ii)(b) of Contempt of Courts (High Court of Kerala) Rules was issued.

13. On 14.11.2024, when the matter had come up for consideration, the respondent expressed his desire and inclination to contest the matter himself as he had done in the previous contempt case. He gave elaborate reasons justifying his actions. Though we had suggested to the respondent to seek legal aid in view of the complexities involved, he politely refused to accede to our offer. He requested that the Malayalam translation of the draft charges be provided to him.

14. A detailed counter affidavit was filed by the respondent, justifying his actions and running into nearly 30 pages. Significantly, he did not deny authorship of the Facebook posts in question. On the contrary, he expressly owned and justifies each and every statement made therein. He offers explanations as to the circumstances that allegedly compelled him to publish the impugned posts, despite having tendered an unconditional apology in the earlier contempt proceedings. The counter is replete with irrelevant and extraneous content, but the relevant assertions may be summarised as follows:



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- a) The respondent acknowledged that he was furnished with a Malayalam translation of the draft charge.
- b) He claims that he was compelled to submit a representation before the Hon'ble Chief Justice, and alleges that the initiation of contempt proceedings by the Registry is a retaliatory action prompted by the contents of that representation.
- c) He contends that the posts attributed to him in the draft charges are mere statements of fact and at best, constitute fair comment. He seeks to justify his aspersions against the Devaswom Bench and the Hon'ble Judge presiding over it by pointing out that the judgment rendered by the Bench had already been interfered with by the Hon'ble Supreme Court.
- d) Insofar as the posts which has been marked as Ext.C5, wherein reference is made to another Hon'ble Judge, the respondent asserts that his Facebook posts merely commented upon the public speeches and opinions expressed by the said Judge, which had been reported in newspapers, online platforms, and other social media profiles.
- e) With respect to the post dated 11.03.2024, the respondent seeks to explain that it was the mental anguish and indignation he experienced upon reading the judgment that prompted him to publish the impugned



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remarks. He further alleges that the Registry's initiation of contempt proceedings stems from an institutional intolerance to candid expression. He claims that the beneficiaries of the judgment belonged to a particular group perceived to be acting against the ruling dispensation and that, as a secular Hindu, he has every right to criticise judgments, especially those rendered by the Devaswom Bench touching Devaswom matters.

- f) Regarding the post dated 17.03.2024, he contends that the comments were prompted by the observations made by the Hon'ble Judge while hearing matters involving a sitting Minister. He clarifies that his reference to "Verbal Diarrhoea" was intended to criticise what he perceived as incessant and unrestrained judicial observations.
- g) He has also referred to various matters adjudicated by the learned Single Judge and has openly criticised the manner in which they were handled.
- h) The respondent further states that an Advocate practising before this Court has posted similar criticisms on Facebook, and that he was inspired by such statements and language to make his own comments.
- i) He claims to have only about 100 to 200 followers on Facebook, and asserts that the posts made by him are unlikely to have caused any significant public impact or community-wide reverberation.



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j) Finally, he contends that criticism of judicial pronouncements should not be met with intolerance. Instead, he urges that such comments be viewed constructively and addressed through appropriate institutional mechanisms. He reiterates that his counter-affidavit is a direct response to the charges levelled against him in connection with the Facebook posts in question.

15. On 22.11.2024, the charges were read over and explained to him in Malayalam. He pleaded not guilty. The charges framed against him read as under:

- a. That you, Sri. P.K. Suresh Kumar, on 11.03.2024, posted a message on your Facebook page wherein you attributed an improper motive to Justice Anil K. Narendran, a Judge of the Kerala High Court, alleging that the said Judge passed orders in a Devaswom Case with the expectation that such an act would please external forces and thereby facilitate his promotion.
- b. That you, on 11.03.2024, made a derogatory remark on your Facebook page, insinuating that lawyers who owe allegiance to the "Sangh Parivar" regularly visited the chambers of Justice Anil K. Narendran and that such visits influenced the orders passed in the Devaswom Cases. This statement has created an impression among the general public that judges act on extraneous considerations, thereby eroding public confidence in the judiciary.



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- c. That you, on 12.03.2024, posted a comment on Facebook, creating an impression among the general public that Justice Devan Ramachandran, a Judge of the Kerala High Court, regularly attends programs conducted by individuals affiliated with the "Sangh Parivar" for extraneous considerations with the intention of facilitating his promotion to higher posts. This statement has consequently undermined public confidence in the justice system.
- d. The messages you have posted are contumacious and appear to have been made with the intention of tarnishing the integrity of the Hon'ble Judges. Your actions amount to scandalizing the authority of the Court, interfering with the due course of judicial proceedings, and undermining public confidence in the judiciary. By attributing improper motives to the Hon'ble Judges, you have sought to lower the authority of this Hon'ble Court in the eyes of the general public. Consequently, you have committed Criminal Contempt of Court and are liable to be prosecuted and punished under the Contempt of Courts Act, 1971.

16. On 22.11.2024, this Court appointed Sri. Dheerendra Krishnan K.K., the learned counsel, to conduct the prosecution under Rule 15 of the Contempt of Courts (High Court of Kerala) Rules, 1971.

17. On the side of the petitioner, two witnesses were examined. Exts.C1 to C8 were marked in evidence. The incriminating materials that emerged during the examination were put to the respondent. The respondent



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denied all such imputations. The respondent entered the witness box and gave evidence as RW1.

18. In his evidence, PW1 stated that the Facebook posts made by the respondent were marked as Exts. C3 to C7 specifically directed against two learned Judges of this Court and were published in the context of judicial orders passed by them. He affirmed that the posts were intended to denigrate the Judges, attribute improper motives and interfere with the administration of justice, with a clear objective to undermine the authority of this Court. He further stated that the respondent had cast aspersions on the Judge presiding over the Devaswom Bench, suggesting that the said Judge was issuing orders at the instance of the "Sangh Parivar" and certain lawyers affiliated with the said organisation. The respondent alleged that these lawyers frequently visited the Judge's chambers and that consequential orders were passed following such visits, thereby implying that judicial decisions were dictated by external influences. PW1 stated that the respondent's posts insinuated that the Judge was delivering favourable orders to secure favour with certain quarters outside the judicial system, allegedly in pursuit of elevation to higher Courts. According to PW1, these comments were not only scurrilous and baseless but were clearly aimed at shaking public confidence in the administration of justice. He asserted that the statements caused damage to the institutional integrity of the High



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Court and were calculated to create a distorted perception among the general public. Despite being subjected to cross-examination, the respondent failed to elicit anything that would discredit or substantially weaken the testimony of PW1.

19. PW2 deposed that he was employed as a Senior Grade Assistant in the D-Section of the High Court. Acting on instructions received from the Section Officer, he searched for the Facebook profile of the respondent, P.K. Suresh Kumar, and downloaded the posts marked as Exts.C3 to C7. He also issued Ext.C8, a certificate under Section 65B of the Indian Evidence Act, certifying the authenticity of the electronic records. He affirmed in his testimony that the signature appeared on Ext.C8 was his own. During cross-examination, he reiterated that he had conducted the search and downloaded the posts as per official instructions and described the steps taken to locate the relevant Facebook posts. He further stated that, based on his verification, he was convinced that the Facebook profile from which the posts originated belonged to the respondent. He also confirmed that he holds a B.Tech degree in Computer Science and Engineering. During re-examination, he clarified that Ext.C8 was issued after printing out Exts.C3 to C7.

20. As was the case with his counter-affidavit, the chief affidavit filed by him is also replete with irrelevant and extraneous matters. However, for the sake



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of completeness, we propose to isolate and extract the assertions relevant to the issue at hand.

21. In his chief affidavit, the respondent stated that no reliance can be placed on the certificate issued under Section 65B of the Indian Evidence Act by PW2 to establish that the printouts of the Facebook posts were downloaded and printed by PW2 in accordance with law. He stated that there is no conclusive material on record to prove that the posts marked as Exts.C3 to C7 were authored by him. According to him, the petitioner failed to produce any evidence identifying the person who made the posts, the device used, or the associated internet connection. He further stated that his decision to publish the posts stemmed from his belief that the orders passed by the Devaswom Bench were erroneous. He reiterated the assertions in his counter affidavit, maintaining that it was his strong disagreement with the findings and observations of the Bench that led him to express his opinion on Facebook. He claimed that his actions were motivated by a heightened sense of public duty and were intended to address what he perceived as judicial misconduct. He denied any intention to undermine public confidence in the justice delivery system or to interfere with the administration of justice. The respondent also alleged that the contempt proceedings were initiated solely to silence him. He stated that he has submitted numerous complaints before various authorities, including the Hon'ble Chief



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Justice, which, according to him, were not met with any response. In cross-examination, it was elicited that he had published a post on his Facebook profile during the pendency of the present contempt proceedings, following which his account was taken down. He admitted that a crime has been registered against him in that regard. When questioned whether the blocked Facebook account was linked to the URL "facebook.com/sureshkumaar.pk," he claimed ignorance of the technical details. When asked whether he had posted Exts.C3 to C7 using that account, he replied that after he was pardoned by this Court upon furnishing an unconditional apology, he had not posted any further content.

22. Sri. Dheerendra Krishnan, the learned counsel for the petitioner, submitted that the Facebook posts marked as Exts.C3 to C7 are contemptuous, reckless, libellous, and made with intent to interfere with the administration of justice. According to him, the content of the posts is calculated to undermine the integrity and dignity of this Court. He pointed out that the posts were made through the Facebook profile of the contemnor and were published in the public domain, thereby amplifying their deleterious impact on the institution of the judiciary. He further submitted that the contemnor is not a first-time offender. On an earlier occasion, he had posted scurrilous remarks against a learned Judge of this Court, for which suo motu contempt proceedings were initiated. During



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those proceedings, the contemnor tendered an unconditional apology and was accordingly discharged. However, after securing the discharge, the contemnor returned to Facebook and posted a detailed account of how he had managed to obtain relief in those proceedings, thereby trivialising the solemnity of the judicial process. Subsequently, he published the present set of posts (Exts.C3 to C7), wherein he has attributed improper motives to Judges of this Court and insinuated that judicial orders were being passed at the behest of individuals affiliated with certain organisations. While the respondent, in his counter affidavit, has attempted to justify the impugned posts by invoking the defence of truth and has elaborated on the reasons that allegedly prompted him to publish them, he adopted an inconsistent stand during the course of his evidence by contending that the posts did not emanate from his account. Relying on the testimonies of PW1 and PW2, learned counsel contended that it has been unequivocally established that the posts in question originated from the respondent's Facebook profile. The respondent himself, in his counter affidavit, has acknowledged authorship. It was submitted that the contemnor, despite having previously tendered an apology and having been discharged, has once again posted highly objectionable and scandalous content with renewed vigour. It was further pointed out that even during the pendency of the present contempt proceedings, the contemnor had made another defamatory post against a learned Judge of this Court, which was subsequently taken down by



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the law enforcement agency pursuant to a complaint lodged by a practising advocate. These actions reveal a persistent and contumacious attitude and the learned counsel urged that strict action is warranted.

23. The respondent has filed a hearing note and was heard in person. At the time of hearing, he sought to distance himself from the authorship of the posts and raised a new contention that, on more than one occasion, he had lost his mobile phone, and there was every reason to believe that his Facebook profile had been accessed by some other person who may have published the impugned posts. He also challenged the reliability of the evidence tendered by PWs 1 and 2. According to him, PW1 had no occasion to access the posts online and therefore could not testify to their publication. He further argued that the evidence of PW2 was unreliable, as his version regarding the process of downloading and printing the posts was allegedly inconsistent and not credible. The respondent further contended that the printouts of the posts are inadmissible in evidence, as the certificate issued under Section 65B of the Indian Evidence Act, 1872, had not been properly proved in accordance with law. He also alleged that he was being unjustly targeted and victimised without any justifiable cause.

24. We have considered the rival submissions advanced by both sides and have carefully perused the materials available on record.



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25. Criminal contempt has been defined under Section 2(c) of the Contempt of Courts Act, and the same reads as under:

- (c) "criminal contempt" means the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which--
- (i) scandalises or tends to scandalise, or lowers or tends to lower the authority of, any court; or
 - (ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or
 - (iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;

26. Under Section 13 of the Act, no court shall impose a sentence under this Act for a contempt of court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice. However, the court is granted the powers to permit, in any proceeding for contempt of court, justification by truth as a valid defence if it is satisfied that it is in public interest and the request for invoking the said defence is bona fide.

27. The first question to be considered is whether the Facebook posts marked as Exts.C3 to C7 were made by the respondent using the profile ID



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"facebook.com/sureshkumaar.pk." From the evidence adduced before this Court, the following aspects can clearly be discerned.

- (a) In an earlier contempt case, i.e., Contempt Case (Crl.) No. 1 of 2024, initiated against the respondent, the impugned posts were made from the Facebook profile ID "facebook.com/sureshkumaar.pk." Ext.C10 is the certified copy of the said contempt proceedings. A certificate under Section 65B of the Indian Evidence Act, 1872, was produced in that case, which clearly indicated the respondent's profile ID. The respondent admitted authorship of the posts in that proceeding and tendered an unconditional apology with a view to purge the contempt. On the strength of that apology, he was discharged by this Court.
- (b) PW1, in his testimony, stated that the present posts were also made by the respondent through the same Facebook ID, i.e., "facebook.com/sureshkumaar.pk," and that they were calculated to scandalise the Court and lower its authority. He further deposed that the respondent had attributed improper motives to the Judges in the discharge of their judicial functions. Despite cross-examination, no credible challenge was mounted to shake the veracity of PW1's evidence.



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(c) PW2, an Officer of this Court with a background in Computer Science, testified that he had downloaded the posts in question and issued the certificate under Section 65B of the Indian Evidence Act, which is marked as Ext.C8. The respondent attempted to discredit the certificate on technical grounds. However, in light of the principles laid down in **Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal**², we are satisfied that the certificate is valid. The Supreme Court held that a Section 65B certificate may be issued by any person occupying a "responsible official position" in relation to the operation of the relevant device or the management of related activities. It was further clarified that such a certificate, issued to the best of the person's knowledge or belief, is sufficient compliance with the statutory mandate.

28. In his counter affidavit, the respondent has unambiguously admitted to having authored the impugned posts and has sought to justify them as expressions of free speech, protected under the Constitution of India. He further attempted to invoke the defence of truth. However, while tendering evidence as RW1 and during oral submissions, the respondent took a contradictory stand, denying authorship of the posts and contending that the said posts were wrongly attributed to him.

² [(2020) 7 SCC 1]



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29. Having carefully considered the rival contentions, and in view of the unimpeached evidence of PW1 and PW2, the admissions in the counter affidavit, and the documentary evidence marked as Exts.C8 to C10, we have no hesitation in coming to the conclusion that the posts marked as Exts.C3 to C7 were made by the respondent using his Facebook profile "facebook.com/sureshkumaar.pk."

30. The next question for determination is whether the publication of Exts.C3 to C7 has the tendency to scandalise the Judges of this Court and thereby lower the authority of the Court, and whether such publication interferes with or obstructs the administration of justice.

31. In the post dated 9.03.2024, the respondent recounted how he had previously secured a discharge in Contempt Case (Crl.) No. 1 of 2024 by tendering an apology.

32. In the Facebook post dated 11.03.2024, the respondent alleged that the Devaswom Bench had misused its judicial authority to appease certain vested interests. He insinuated that the Bench was acting under extraneous influences and claimed that advocates affiliated with the "Sangh Parivar" frequently visited the chamber of the Senior Judge to secure favourable orders. He further suggested that such conduct was aimed at securing favour from the Union Government to facilitate the Judge's elevation to the Supreme Court. The



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respondent even called upon the Chief Justice to remove the Senior Judge from the Devaswom Bench. In a subsequent post dated 12.03.2024, the respondent attributed improper motives to another sitting Judge of this Court, alleging that the Judge had publicly endorsed the Sangh Parivar and participated in events organised by affiliated groups in an attempt to earn their favour.

33. In the post dated 15.03.2024, he alleged that the Judge was favouring Central agencies to implicate a State Minister. In the post dated 17.03.2024, he described the oral observations made by the Judge in Open Court as "verbal diarrhoea" and claimed that the Judge's decisions were driven by his association with certain groups

34. Before dealing with the contentions, it would be apposite to remember that the jurisdiction under the Contempt of Courts Act is exercised whenever an act adversely affects the administration of justice or which tends to impede its course or tends to shake public confidence in the judicial institutions. It is also exercised when the act complained of adversely affects the majesty of law or dignity of the courts. In **Supreme Court Bar Assn. v. Union of India**³, the Apex Court observed that the contempt of court is a special jurisdiction to be exercised sparingly and with caution whenever an act adversely affects the administration of justice or which tends to impede its course or tends to shake

³ [(1998) 4 SCC 409]



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public confidence in the judicial institutions. This jurisdiction may also be exercised when the act complained of adversely affects the majesty of law or dignity of the courts. The purpose of contempt jurisdiction is to uphold the majesty and dignity of the courts of law. While deciding the issue we shall keep in mind the above words of caution.

35. We now turn to the prevaricating stand taken by the respondent. In his counter affidavit, the respondent unequivocally admitted authorship of the impugned posts and sought to justify them as fair comment made in the exercise of his right to freedom of speech and expression. He elaborated on the context in which the posts were made and contended that his remarks were legitimate criticism of judicial orders.

36. In **Het Ram Beniwal v. Raghuveer Singh**⁴, the Apex Court stated in unequivocal terms that though every citizen has a fundamental right to speech, guaranteed under Article 19 of the Constitution of India, the contempt of court is one of the restrictions on such right. If a calculated effort is made to undermine the judiciary, the courts are required to exercise their jurisdiction to punish the offender for committing contempt. In that view of the matter, the respondent cannot seek refuge under Article 19 of the Constitution of India, as casting scurrilous and objectionable remarks against Judges, and attributing

⁴ [(2017) 4 SCC 340]



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improper motives to those discharging judicial functions, amounts to criminal contempt and falls outside the protective ambit of free speech.

37. The often quoted passage from **Ambard v. Attorney General for Trinidad and Tobago**,⁵ is illuminating, and reads as follows:

" 9.justice is not a cloistered virtue : she must be allowed to suffer the scrutiny and respectful, even though outspoken, comments of ordinary men."

The Privy Council in the same judgment held as follows : (AC p. 335)

".....The path of criticism is a public way : the wrong-headed are permitted to err therein : provided that members of the public abstain from imputing improper motives to those taking part in the administration of justice, and are genuinely exercising a right of criticism, and not acting in malice or attempting to impair the administration of justice, they are immune."

38. In **E.M. Sankaran Nampoothirippad v Narayanan Nambiar**⁶, the Apex Court had observed as under

"The chief forms of contempt are insult to Judges, attacks upon them, comment on pending proceedings with a tendency to prejudice fair trial, obstruction to officers of courts, witnesses or the parties, abusing the process of the court, breach of duty by officers connected with the court and scandalising the Judges or the courts. The last form occurs, generally speaking,

⁵AIR 1936 PC 141

⁶ AIR 1970 SC 2015



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when the conduct of a person tends to bring the authority and administration of the law into disrespect or disregard. In this conduct are included all acts which bring the court into disrepute or disrespect or which offend its dignity, affront its majesty or challenge its authority. Such contempt may be committed in respect of a Single Judge or a single court but may, in certain circumstances, be committed in respect of the whole of the judiciary or judicial system.

39. In **In Re: S. Mulgaokar**⁷, the Apex Court opined that the first rule in this branch of contempt power is a wise economy of use by the Court of this branch of its jurisdiction. The Court will act with seriousness and severity where justice is jeopardised by a gross and/or unfounded attack on the Judges, where the attack is calculated to obstruct or destroy the judicial process. The Court is willing to ignore, by a majestic liberalism, trifling and venial offences — the dogs may bark, the caravan will pass. The Court will not be prompted to act as a result of an easy irritability. Much rather, it shall take a noetic look at the conspectus of features and be guided by a constellation of constitutional and other considerations when it chooses to use, or desist from using, its power of contempt.

⁷ [(1978) 3 SCC 339]



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40. In **Perspective Publications (P)Ltd. v. State of Maharashtra**⁸, the Apex Court reviewed the entire case law and stated the result of the discussion of the cases on contempt as follows:

- "(1) It will not be right to say that committals for contempt for scandalising the Court have become obsolete.
- (2) The summary jurisdiction by way of contempt must be exercised with great care and caution and only when its exercise is necessary for the proper administration of law and justice.
- (3) It is open to anyone to express fair, reasonable and legitimate criticism of any act or conduct of a Judge in his judicial capacity or even to make a proper and fair comment on any decision given by him because 'justice is not a cloistered virtue and she must be allowed to suffer the scrutiny and respectful, even though outspoken, comments of ordinary men.'
- (4) A distinction must be made between a mere libel or defamation of a Judge and what amounts to a contempt of the Court. The test in each case would be whether the impugned publication is a mere defamatory attack on the Judge or whether it is calculated to interfere with the due course of justice or the proper administration of law by this Court. It is only in the latter case that it will be punishable as contempt.

⁸ AIR 1971 SC 221



(5) Alternatively the test will be whether the wrong is done to the Judge personally or it is done to the public. To borrow from the language of Mukherjea, J., (as he then was)(Brahma Prakash Sharma case AIR 1954 SC 10, (1953) SCR 1169, 1953 SCJ 521) the publication of a disparaging statement will be an injury to the public if it tends to create an apprehension in the minds of the people regarding the integrity, ability or fairness of the judge or to deter actual and prospective litigants from placing complete reliance upon the Court's administration of justice or if it is likely to cause embarrassment in the mind of the Judge himself in the discharge of his judicial duties."

41. In **Halsbury's Laws of England (4th Edn., Vol. 9, para 27, p. 21)**, it is stated that scurrilous abuse or personal attacks on a judge or court amount to punishable contempt. The objective is not to shield individual judges from criticism but to protect public confidence in the administration of justice, which would be undermined if judicial authority is brought into disrepute. While fair, temperate, and good-faith criticism is permissible, allegations of partiality, bias, or improper motives strike at the very heart of judicial integrity and are treated with particular seriousness.

42. In **P.N. Duda v. P. Shiv Shanker**⁹, the Hon'ble Supreme Court affirmed that judges are accountable to society and open to public scrutiny. However, it cautioned that attributing motives to judges or ridiculing the judiciary

⁹ [(1988) 3 SCC 167]



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in a manner that erodes public faith constitutes contempt. Criticism must remain within the bounds of civility and constitutional respect, failing which it impairs the impartiality and efficacy of justice.

43. In **Dr. D.C. Saxena v. Hon'ble The Chief Justice of India**¹⁰, the Apex Court held that imputations of bias, corruption, or partiality to a judge amount to scandalising the court and constitute criminal contempt. Even a tendency to lower the authority of the court or obstruct the administration of justice is sufficient. The focus is not on proving intent or mens rea but on the effect of the act—whether it tends to diminish public confidence in the judiciary. The Apex Court emphasised that action for contempt is not to vindicate the judge's personal dignity but to uphold the majesty and independence of the judicial institution. Scandalising the court, whether through defamatory posts, reckless allegations, or vilification, taints the very fountain of justice and must be sternly dealt with.

44. Applying the above principles, the posts made by the respondent, as detailed in the preceding paragraphs, cannot be regarded as mere criticism of judicial decisions. In his counter affidavit, the respondent reiterated serious allegations, that lawyers aligned with a particular political dispensation entered the Chamber of a Judge and that orders were passed

¹⁰ [AIR 1996 SC 2481]



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based on their inputs. However, instead of substantiating these claims in evidence, he took a totally different stand and denied authorship of the posts altogether. We have already held that this prevaricating stand, by admitting authorship of the posts in pleadings and disowning it during evidence, reflects an absence of candour and a shifting, unreliable defence. It is thus clear that the respondent neither stands by his assertions nor did he make any conscious attempt to justify his stand.

45. The posts, taken as a whole, are clearly intended to undermine public confidence in the independence, integrity, and impartiality of this Court. The insinuation that judgments were rendered at the behest of politically aligned advocates, for the personal advancement of Judges, attributes nothing short of judicial dishonesty and improper motives on the part of the judges of this Court. Such content is likely to deter litigants from trusting the judicial process and will most certainly impair Judges in the discharge of their constitutional duties. The shoulders of the Court are broad enough to shrug off certain comments and there cannot be any dispute on the same. While fair and temperate criticism is protected, criticism based on distortion, falsehood, and aimed at vilifying the institution cannot be countenanced. The comments made by the respondent cannot be categorised as isolated or inadvertent remarks. As a matter of fact his conduct reveals that the comments are deliberate, malicious, and suggesting



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ideological bias undermining the honesty and judicial competence and impartiality of judges and consequently of this Court. Significantly, these posts were published even after the respondent had tendered an unconditional apology in the earlier contempt proceedings. We are, therefore, firm in our conclusion that the respondent's conduct falls squarely within the scope of criminal contempt under Section 2(c) of the Contempt of Courts Act, 1971.

46. On the basis of the materials on record, principles laid down by the Apex Court as well as this Court and the respondent's conduct, we hold that he has committed criminal contempt by scandalising this Court with mala fide intent. He is, therefore, found guilty under Section 12 of the Contempt of Courts Act, 1971.

47. We pronounced the judgment finding the respondent guilty of the charges alleged against him at 10.15 a.m. today, i.e., on 16.07.2025 and then sought the response of the respondent on the aspect of any mitigating circumstances for reduction of the sentence. The respondent stated that he has a wife and two children who are pursuing their education. He sought leniency while awarding the sentence. He stated that his family will be mentally tormented if he is sentenced to any form of imprisonment.



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48. Section 12 of the Contempt of Courts Act, 1971 provides for punishment in cases of contempt of court. It stipulates that a contemnor may be punished with simple imprisonment for a term which may extend up to six months, or with a fine which may extend up to two thousand rupees, or with both. The proviso to the section provides that the accused may be discharged, or the punishment awarded may be remitted, if an apology is made to the satisfaction of the court. The explanation appended to the proviso further clarifies that an apology shall not be rejected merely on the ground that it is qualified or conditional, provided it is made bona fide. In the present case, as noted earlier, the respondent has made serious and scurrilous allegations against the learned Judges of this Court, accusing them of having passed judicial orders for their personal advancement and with improper motives. Such allegations strike at the very foundation of the judicial institution and constitute gross contempt of court.

49. Taking into account the totality of the circumstances and the submissions made by the respondent when he was questioned after being found guilty of contempt, we sentence the respondent/contemnor, Sri P.K. Suresh Kumar, to undergo simple imprisonment for a period of 3 (three) days and to pay a fine of Rs.2,000/- (Rupees Two thousand only). In default of payment of fine, the contemnor shall undergo simple imprisonment for a further period of



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one month. The sum of Rs.2,000/- ordered by way of fine shall be deposited with the Secretary, Kerala State Legal Services Authority, High Court of Kerala.

50. Immediately after the pronouncement of the sentence, the respondent requested that the sentence be suspended for a day. Under Section 19(3) of the Contempt of Courts Act, 1971, this Court is vested with the discretion to suspend the execution of the sentence. However, in view of the antecedents of the respondent and the overall facts and circumstances of the case, we are not inclined to exercise the said discretion in his favour. Accordingly, the prayer for suspension of sentence is declined.

The Registrar General, High Court of Kerala, is directed to make out a warrant to ensure detention of the respondent/accused Sri.P.K.Suresh Kumar in terms of the sentence awarded in this case.

sd/-
RAJA VIJAYARAGHAVAN V,
JUDGE

sd/-
JOBIN SEBASTIAN,
JUDGE



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APPENDIX OF CONT.CAS. (CRL.) 3/2024

PETITIONER ANNEXURES

Annexure A	AFFIDAVIT DATED 23-2-2024 IN CONTEMPT CASE (CRIMINAL) 1/2024
Annexure B	COPY OF JUDGMENT DATED 26-2-2024 IN CONTEMPT CASE (CRIMINAL) 1/2024
Annexure C	FACE BOOK POST DATED 09/03/2024
Annexure D	FACE BOOK POST DATED 11/03/2024
Annexure E	FACE BOOK POST DATED 12/03/2024
Annexure F	FACE BOOK POST DATED 15/03/2024
Annexure G	FACE BOOK POST DATED 17/03/2024
Annexure H	CERTIFICATE UNDER SECTION 65B OF INDIAN EVIDENCE ACT

PETITIONER EXHIBITS

Exhibit C1	A true copy of the unconditional apology tendered by the respondent/accused in Contempt of Case (Criminal) 1/2024
Exhibit C2	The copy of the Judgment dated 26.02.2024 in Contempt of Case (Criminal) 1/2024
Exhibit C3	A copy of the Facebook post of the respondent/accused dated 09.03.2024
Exhibit C4	The Facebook post of the respondent/accused dated 11.03.2024
Exhibit C5	A copy of the Facebook post of the respondent/accused dated 12.03.2024
Exhibit C6	A copy of the Facebook post dated 15.03.2024
Exhibit C7	A copy of the Facebook post dated 17.03.2024
Exhibit C8	Certificate issued by me bears my signature
Exhibit C10	Certificate copy of Con.Case(Crl) No. 1 of 2024.



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RESPONDENT ANNEXURES

- Annexure 1 Copy of the complaint dt. 12/02/2024 submitted by me to The Honourable Chief Justice
- Annexure 2 Youtube image and link of the video by Shajan Scaria
- Annexure 3 Judgment by learned judges Justice Anil K. Narendran and Justice G. Gireesh on 17th January 2024 against me
- Annexure 4 Copy of judgment by the Supreme Court setting aside the judgment of the High Court considering the appeal by the Travancore Devaswom Board on 'Aravana' issue.
- Annexure 5 Relevant part of the Malayalam Translation of the Supreme Court judgment on 'Aravana' issue.
- Annexure 6 News item on Supreme Court setting aside the High Court judgment to prosecute the contractor who supplied cardamom to the Travancore Devaswom Board
- Annexure 7 Facebook post by Adv. Krishna Raj practicing in the Kerala High Court.
- Annexure 8 Digging Trenches does not count to teaching experience : High Court slams Priya Varghese - Image and link of news item by Mathrubhumi
- Annexure 9 I don't remember the digging trench comment.. Justice Devan Ramachandran ~ Siraj Online 2022 November 17.
- Annexure 10 Relevant part of the judgment by the Division bench setting aside the judgment of the single bench
- Annexure 11 Interview of Justice Devan Ramachandran as a a full page article in the "Mathrubhumi Vaaraanathappathipp" (Weekend Supplement) on 17 March 2024
- Annexure 12 Photographs of news headlines of different media



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- Annexure 13 Details of the Facebook Fans Club page in the name of Justice Devan Ramachandran
- Annexure 14 An audio clip released by online media Pravasi Bharathi on 30-10-2021 praising Justice Devan Ramachandran as 'Neethiyude Devan' (God of Justice)
- Annexure 15 Online news of Madhyamam newspaper of 24 December 2023, Online news items of Kerala Kaumudi and Janmabhoomi
- Annexure 16 Photographs and headings of online media news
- Annexure 17 Facebook post of a person named Karamana Jayan, dated April 28, 2024
- Annexure 18 Facebook post of Sangeetha Lakshmana dated April 28, 2024
- Annexure 19 Facebook post image link of former Magistrate S. Sudeep
- Annexure 20 Facebook post of Adv. Sangeetha Lakshmana, titled 'Devan Ramachandrante Apathasanjaarungal (Waywardness of Devan Ramachndran) Part-1' dated November 15, 2023
- Annexure 21 Facebook post of Adv. Sangeetha Lakshmana, titled 'Devan Ramachandrante Apathasanjaarungal (Waywardness of Devan Ramachndran) Part-2' dated November 15, 2023.
- Annexure 22 Facebook post of Adv. Sangeetha Lakshmana, titled 'Devan Ramachandrante Apathasanjaarungal (Waywardness of Devan Ramachndran) Part-3' dated November 17, 2023.
- Annexure 23 Facebook post of Adv. Sangeetha Lakshmana, titled "Devan Ramachandrante Apathasanjaarungal (Waywardness of Devan Ramachndran) Part-4' dated November 24, 2023.
- Annexure 24 Facebook post of Adv. Sangeetha Lakshmana, titled "Devan Ramachandrante Apathasanjaarungal (Waywardness of Devan Ramachndran) Part-5' dated November 24, 2023.
- Annexure 25 Facebook post of Adv. Sangeetha Lakshmana, titled "Devan Ramachandrante



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Apathasanjaarangal (Waywardness of Devan Ramachndran) Part-6' dated November 27, 2023.

Annexure 26 Facebook post of Sangeetha Lakshmana, dated March 17, 2024.

Annexure 27 Facebook post of Sangeetha Lakshmana, dated March 4, 2024.

Annexure 28 Facebook post of Sangeetha Lakshmana, dated April 28, 2024.

Annexure 29 Facebook post of Sangeetha Lakshmana, dated May 28, 2024.

RESPONDENT'S EXHIBITS

Exhibit R1 TRUE COPY OF MY AADHAR, VOTER ID, RATION CARD, PASSPORT