IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MR.JUSTICE BASANT BALAJI

TUESDAY, THE 13TH DAY OF OCTOBER 2026 / 21ST ASWINA, 1948

WA NO. 2113 OF 2026

JUDGMENT DATED 17.08.2026 IN WP(C) NO.32809 OF 2025 OF HIGH COURT OF KERALA

APPELLANT/COUNSEL FOR THE PETITIONER:

SADIQALI M.
AGED 35 YEARS
S/O SAIDALAVI, CHAMBER NO.958, KHCAA CHAMBER COMPLEX, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

BY ADVS.
SHRI.MANAS P HAMEED
SMT.IPSITA OJAL
SRI.J. SAI DEEPAK, SR

RESPONDENT/RESPONDENTS & PETITIONER:

1. **FEDERAL BANK**
   REPRESENTED BY ITS MNAGER, MANJERI BRANCH, 1ST FLOOR, KORAMBAYIL CORPORATE MALL, CENTRAL JUNCTION, MANJERI, MALAPPURAM, KERALA, PIN - 676121

2. **STATION HOUSE OFFICER**
   KOLLAM CITY CYBER CRIME POLICE STATION, DISTRICT POLICE OFFICE COMPOUND, KOLLAM CITY, KERALA, PIN - 691001

3 STATION HOUSE OFFICER
CEN CRIME POLICE STATION, EAST DIVISION, BANAGLORE CITY, BROADWAY ROAD, SHIVAJI NAGAR, KARNATAKA, PIN - 560051

4 STATION HOUSE OFFICER,
CYBER CELL, SUPERINTENDENT OF POLICE OFFICE, PRAKASAM RD, NEAR TOWN CLUB, TIRUPATI, ANDRA PRADESH, PIN - 517501

5 STATION HOUSE OFFICER
CYBER CELL, STATE CYBER CRIME POLICE STATION (HP CYBER CELL), NIGAM VIHAR CHOTTA SHIMLA, SHIMLA, HIMACHAL PRADESH, PIN - 171002

6 STATION HOUSE OFFICER
CYBER CRIME POLICE STATION, VIRUDHUNAGAR, KOORAIKUNDU, TAMIL NADU, PIN - 626002

7 STATION HOUSE OFFICER
MANJERI POLICE STATION, VAYAPPARAPADI, KACHERIPPADI, MANJERI, KERALA, PIN - 676121

8 SAFWAN MUHAMED SHERIF
AGED 23 YEARS
S/O: MUHAMMED SHERIF, K. V, KALLUVETTY, TRIKKALANGODE, PO: KOOMANKULAM, DIST: MALAPPURAM, KERALA, PIN - 676123

SRI. P.M RAFEEK, SR.GP
SRI.MOHAN JACOB GEORGE

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 13.10.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

"C.R"

Devan Ramachandran, J

We are called to a rather tenuous responsibility, to restate issues vital and unexpendable to the requisites of professional etiquette and responsibilities of learned counsel.

2. The appellant, who has filed this appeal after obtaining leave, is aggrieved not by the findings in the judgment in the writ petition on the issues projected between the parties therein; but that it contains observations against him, in his capacity as the counsel who had appeared for the writ petitioner. He seeks that such observations be expunged.

3. Sri.J. Sai Deepak, learned Senior Counsel, instructed by Sri.Manas P. Hameed – learned counsel for the appellant, argued that the holdings of the learned Single Judge against his client – that he had deliberately attested the affidavit of the writ petitioner, knowing its contents to be "falsehood" – is uncharitable and without substantiating proof. He insisted that the appellant cannot be held responsible for the truth or otherwise of the contents of the affidavit of the writ petitioner; and relied on **Bar Council of Maharashtra and Goa v. Rajiv Nareshchandra** [2026 (1) KHC 349] for support.

4. The learned Senior Counsel then submitted that, even when he can understand a Court trying to mentor a young member of the Bar, it cannot be at the expense of his professional life forward, or in a manner to jeopardize and prejudice it forever. He requested that all the findings against his client be hence expunged; if not, that the judgment of the learned Single Judge be modified appositely.

5. Sri.Mohan Jacob George – learned Standing Counsel for the 1st respondent, perhaps being aware of the difficult situation, submitted that he does not have any comment to make on the issues specifically projected herein; and leaves it to this Court to take appropriate decisions. He, however, prayed that the judgment of the learned Single Judge may not be interfered with on its merits.

6. The inviolable obligations of an Advocate of any Court does not require to be restated or expatiated by us, since it is too well settled.

7. As a normative rule, Advocates are expected to make faithful disclosures to Court; but, of course, only if they are aware of it, and not otherwise.

8. The learned Single Judge has found the appellant to have fallen short of his professional requirements, in ‘not bringing

the truth' to its notice; but, it must be remembered that, learned counsel can act and plead solely on the instructions of clients, edificed on documents supplied and averments in affidavits sworn to by them. Undoubtedly, if there is a reason for a Counsel to be suspicious of deleterious tendencies on the part of his client, he must exercise circumspection and caution; and make fair disclosures and submissions before Court, behooving the high standards expected of him as its officer.

9. The judgment, read as a whole, proceeds on the impression that, had the appellant exercised necessary care, it would have been discernible to him that his client was making incorrect statements in the pleadings. The appellant, however, maintains that he had no occasion to verify of the veracity of the averments made by his client and cannot, hence, be held responsible. If this was indeed so, then no blame can be cast on the appellant; but it is also necessary that learned counsel verify documents produced before them by clients, and assess its contents, before they are filed before a Court.

10. It is this, that has been pointed out by the learned Single Judge, though in an admonishing tone.

11. Inevitably, if not always, the responsibility of a judgment to be accurate is not merely on the judge concerned, but on the system itself - of which learned Counsel enjoy a position of trust. Axiomatically, to preserve the integrity of the justice delivery mechanisms, their actions have to be at the acme of certitude, credibility, probity, righteousness and rectitude.

12. It is the fundamental imperative that an Advocate must zealously and fearlessly protect the client's interests; but through fair means, without being their personal extension or alter ego.

13. The Preamble to the "Standards of Professional Conduct and Etiquette" of the Bar Council of India Rules inflexibly mandates that "*An Advocate shall, at all times, comport, himself in a manner befitting his status as an officer of the Court, a privileged member of the community, and a gentleman, bearing in mind that what may be lawful and moral for a person who is not a member of the Bar, or for a member of the Bar in his non-professional capacity may still be improper for an Advocate".* Thereafter, *sub verbo* "Duty to Court", the Rules require that "*An Advocate shall use his best efforts to restrain and prevent his client from resorting to sharp or unfair practices or from doing anything in relation to the Court, opposing counsel or parties which the Advocate himself ought not*

to do. An Advocate shall refuse to represent the client who persists in such improper conduct. He shall not consider himself if a mere mouth piece of the client, and shall exercise his own judgment in the use of restrained language in correspondence, avoiding scurrious attacks in pleading, and using intemperate language during arguments in Court".

14. It is imbued by the afore epochal precepts, that every young entrant to the Bar invariably is told the commandment that you shall not identify with the client.

15. When viewed from the above perspective, the intent of the learned Single Judge was perspicuously to mentor the appellant, since he is a young member of the Bar, with a future ahead.

16. No doubt, the judgment speaks in a harsh tone; but we are of the firm opinion that it was not intended to be caustic to the appellant; but only to caution him and remind him of his professional duties, so that he will be more careful in future.

17. With that said, it would not be proper for us to leave that portion of the judgment which appears to speak against the appellant, without being interfered with, for the singular reason that it will certainly have an unintended impact on his future.

18. We, consequently, allow this appeal, to the limited

extent of expunging that part of paragraph No.5 of the judgment, which starts with the line “It is well settled”, till the end of it.

In all other aspects, the impugned judgment will remain unaltered.

DEVAN RAMACHANDRAN
JUDGE

BASANT BALAJI
JUDGE

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APPENDIX OF WA NO. 2113 OF 2026

PETITIONER ANNEXURES

Annexure A1	**A TRUE COPY OF THE JUDGMENT DATED 10.07.2026 IN SINANA FARVIN V. KERALA GRAMIN BANK, W.P. (C) NO. 43188 OF 2025 PASSED BY THE LEARNED SINGLE JUDGE**
Annexure A2	**A TRUE COPY OF THE JUDGMENT DATED 03.08.2026 IN MOHAMMED HUSSAIN P.N.V. KERALA GRAMIN BANK, ARISING FROM W.P.(C) NO. 10733 OF 2026**
Annexure A3	**A TRUE COPY OF THE REVIEW PETITION IN RP 1104/2026 IN W.P,(C)NO.10733/2026, FILED BY KERALA GRAMIN BANK**
Annexure A4	**A TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE MR.MOHAMMED HUSSAIN IN R.P 1104/2026**
Annexure A5	**TRUE COPY OF THE ORDER SHEET IN IN W.P. (C).NO.10733/2026 ON THE FILE OF THIS HON'BLE COURT**