

THE GAUHATI HIGH COURT AT GUWAHATI
(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

**OBITUARY REFERENCE ADDRESS BY HON'BLE MR. JUSTICE SUDHANSHU DHULIA, CHIEF JUSTICE OF GAUHATI HIGH COURT, GUWAHATI, ON 26-04-2021 AT 3.30 PM, ON ACCOUNT OF PASING AWAY OF JUSTICE MOHAN MALLIKARAJANAGOUDA SHANTANAGOUDAR, SITTING JUDGE OF THE HON'BLE SUPREME COURT OF INDIA.
(THROUGH VIRTUAL MODE).**

BEFORE

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE N. KOTISWAR SINGH
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HON'BLE MR. JUSTICE SUMAN SHYAM
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN
HON'BLE MR. JUSTICE KALYAN RAI SURANA
HON'BLE MR. JUSTICE PRASANTA KUMAR DEKA
HON'BLE MR. JUSTICE NELSON SAILO
HON'BLE MR. JUSTICE AJIT BORTHAKUR
HON'BLE MR. JUSTICE NANI TAGIA
HON'BLE MR. JUSTICE MANISH CHOUDHURY
HON'BLE MR. JUSTICE SOUMITRA SAIKIA
HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA
AND
HON'BLE MR. JUSTICE S. HUKATO SWU**

Order of Reference by:

1. Mr. Jiten Payeng, Secretary General, Gauhati High Court Bar Association.
2. Mr. P. D. Nair, Vice-Chairman of Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim.
3. Mr. Biswajeet Goswami, Addl. Advocate General, Assam.
4. Mr. N. Dutta, Advocate General, Arunachal Pradesh.
5. Mr. Sudipto Bhattacharjee, Government Advocate, Mizoram.
6. Mr. Ranjit Kumar Deb Choudhury, Asstt. Solicitor General of India.

Reply by: Hon'ble the Chief Justice:

1. My esteemed colleagues on the Bench.
2. Mr. N. Dutta, Advocate General, Arunachal Pradesh.

GA

3. Mr. P. D. Nair, Vice-Chairman of Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim.
4. Mr. Biswajeet Goswami, Addl. Advocate General, Assam.
5. Mr. Jiten Payeng, Secretary General, Gauhati High Court Bar Association.
6. Mr. Sudipto Bhattacharjee, Government Advocate, Mizoram.
7. Mr. Ranjit Kumar Deb Choudhury, Asstt. Solicitor General of India.
8. Members of Judicial Service and Registry.

Today, we have assembled through virtual mode to mourn the sad and untimely demise of Hon'ble Justice Mohan M. Shantanagoudar, sitting Judge of Supreme Court of India, who left for heavenly abode on Saturday 24th of April, 2021. He died at a Hospital in Gurugam, Haryana. He was suffering from a prolonged illness and was recently infected with viral pneumonia. At the time of his death he was 62 years of age.

Born on 05.05.1958, Justice Shantanagoudar enrolled as an Advocate on 05.09.1980 and practised for one year at Dharwad and then shifted his practice to Bengaluru before the High Court. His practice was mainly in Civil, Criminal and Writ matters.

During his practice he also served as Vice-Chairman of Karnataka State Bar Council from 1991 to 1993 and as Chairman of Karnataka State Bar Council in the years 1995 & 1996. He also served as State Public Prosecutor of Karnataka from 1999 to 2002.

He was appointed as an Additional Judge of the Karnataka High Court on 12.05.2003 and a Permanent Judge on 24.9.2004. He was elevated as Chief Justice of Kerala High Court on 01.08.2016 and later elevated as a Judge of the Supreme Court on 17.02.2017.

I had a very brief meeting with Justice Shantanagoudar in January, 2017, i.e. more than four years back. This was at Kochi Airport while his lordship was on his way to Delhi to attend the oath taking ceremony of



Justice Sri Jagdish Singh Khehar as the Chief Justice of India. Justice Shantanagoudar was a soft spoken and mild mannered person and was liked by his fellow judges as well as by members of the Bar.

Justice Shantanagoudar has left his mark in several notable judgments delivered during his term at the Supreme Court of India. In the judgements of Justice Shantanagoudar I have noticed that his lordship dealt the questions before him with a sense of equity and with a humane heart. We have noticed how Justice Shantanagoudar has changed the death sentence to life imprisonment while giving emphasis on the reformatory aspect of punishment.

We have also seen how his lordship interpreted a provision of law not in a textual manner but always through a purposive interpretation. This was evident in his lordship's judgement in *[High Court of Judicature at Madras vs. M.C. Subramaniam]*, which is a recent case of **2021**.

While being a member of a three Judge Bench, he authored a judgment regarding "default bail". This was *M. Ravindran vs. Intelligence Officer, Directorate of Revenue Intelligence*, reported in *(2021) 2 SCC 485*, where it was held that the right to be released on default bail continues to remain enforceable if the accused has applied for such bail, notwithstanding pendency of the bail application; or subsequent filing of the charge-sheet or a report seeking extension of time by the prosecution before the court.

Justice Shantanagoudar had authored the landmark judgment which held that a farmer was entitled to file a consumer Complaint against a seed company. This was the case of *M/s Nandan Biomatrix Ltd. vs. S Ambika Devi & Ors.*, reported in *(2020) 13 SCC 130*. The case is a big relief to small farmers who have an unequal fight against big seed

companies, where his Lordship noticed the plight of small farmers and how they get into debt and a debt trap and in many case suicides of farmers.

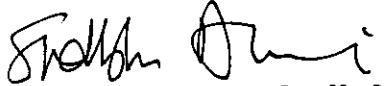
The untimely demise of Justice Mohan Shantanagoudar is a great loss to the judiciary.

I and my colleagues on the Bench, fully associate with the sentiments and feelings expressed by the members of the Bar. I, on my behalf and on behalf of my colleagues on the Bench and members of the Registry convey our heartfelt condolence to the members of the bereaved family and pray to the Almighty to grant eternal peace to the departed soul and give strength and courage to the members of their family to bear the irreparable loss.

As a mark of respect to the departed souls, I request the learned members of the Bar and Bench to observe a minute's silence.

The Court work on the judicial side will remain suspended for the rest of the day as a mark of respect to the departed souls.

The Registry is directed to communicate the proceedings and convey our heartfelt condolence to the members of the bereaved family through the Registry of Hon'ble Supreme Court of India.


(Sudhanshu Dhulia)
Chief Justice
Gauhati High Court,
Guwahati