



***5th May, 1958 – 24th April, 2021***

*Full Court Reference in the memory of*

***Late Hon'ble Mr. Justice Mohan M. Shantanagoudar***

***Sitting Judge, Supreme Court of India***

*held on Monday, the 6th December 2021*

*at 10.30 a.m. in the Court of The Hon'ble the Chief Justice of India*



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## Letter from the Registrar, Supreme Court of India

*Avani Pal Singh*  
Registrar  
Supreme Court of India



F.No.99/Ref/2021/SCA(Genl)  
Dated the 08<sup>th</sup> December, 2021

Shri Shivaprasad Shantanagoudar,  
H.No. 355, 19<sup>th</sup> 'F' Main,  
1<sup>st</sup> 'N' Block, Rajaji Nagar,  
Bengaluru,  
Karnataka.

Sir,

There was a Full Court Reference in the Hon'ble Chief Justice's Court on 06<sup>th</sup> December, 2021 in the memory of late Hon'ble Mr. Justice Mohan M. Shantanagoudar, Judge, Supreme Court of India. Rich tributes were paid to His Lordship by Hon'ble Shri N.V. Ramana, Chief Justice of India, Shri K.K. Venugopal, Learned Attorney General for India and Shri Vikas Singh, President, Supreme Court Bar Association. After the references were read, two minutes' silence was observed. I have the honour of forwarding a booklet containing memorial speeches delivered at the Full Court Reference, as aforesaid.

Kindly permit me to convey the heart-felt condolences of the Officers and members of the staff of the Supreme Court Registry to you and other members of the family.

Yours sincerely,

Registrar (AG)

Encls: As above

*List of Business for 6th December, 2021 in respect of  
Full Court Reference*



**SUPREME COURT OF INDIA**

**SUPPLEMENTARY LIST FOR MONDAY THE 06TH DECEMBER, 2021**

**CHIEF JUSTICE'S COURT**

**AT 10.30 A.M.**

**FULL COURT REFERENCE IN THE MEMORY OF LATE  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR,  
JUDGE, SUPREME COURT OF INDIA.**

## ***Coram of Hon'ble Judges at the Full Court Reference***

❖ *Hon'ble Shri N.V. Ramana, Chief Justice of India*

❖ *Hon'ble Mr. Justice Uday Umesh Lalit*

❖ *Hon'ble Mr. Justice A.M. Khanwilkar*

❖ *Hon'ble Dr. Justice D.Y. Chandrachud*

❖ *Hon'ble Mr. Justice L. Nageswara Rao*

❖ *Hon'ble Mr. Justice Sanjay Kishan Kaul*

❖ *Hon'ble Mr. Justice S.Abdul Nazeer*

❖ *Hon'ble Ms. Justice Indira Banerjee*

❖ *Hon'ble Mr. Justice Vineet Saran*

❖ *Hon'ble Mr. Justice K.M. Joseph*

❖ *Hon'ble Mr. Justice Hemant Gupta*

❖ *Hon'ble Mr. Justice R. Subhash Reddy*

❖ *Hon'ble Mr. Justice M.R. Shah*

❖ *Hon'ble Mr. Justice Ajay Rastogi*

❖ *Hon'ble Mr. Justice Dinesh Maheshwari*

❖ *Hon'ble Mr. Justice Sanjiv Khanna*

❖ *Hon'ble Mr. Justice B.R. Gavai*

❖ *Hon'ble Mr. Justice Surya Kant*

❖ *Hon'ble Mr. Justice Aniruddha Bose*

- ❖ *Hon'ble Mr. Justice A.S. Bopanna*
- ❖ *Hon'ble Mr. Justice Krishna Murari*
- ❖ *Hon'ble Mr. Justice S. Ravindra Bhat*
- ❖ *Hon'ble Mr. Justice V. Ramasubramanian*
- ❖ *Hon'ble Mr. Justice Hrishikesh Roy*
- ❖ *Hon'ble Mr. Justice Abhay S. Oka*
- ❖ *Hon'ble Mr. Justice Vikram Nath*
- ❖ *Hon'ble Mr. Justice J.K. Maheshwari*
- ❖ *Hon'ble Ms. Justice Hima Kohli*
- ❖ *Hon'ble Mrs. Justice B.V. Nagarathna*
- ❖ *Hon'ble Mr. Justice C.T. Ravikumar*
- ❖ *Hon'ble Mr. Justice M.M. Sundresh*
- ❖ *Hon'ble Ms. Justice Bela M. Trivedi*
- ❖ *Hon'ble Mr. Justice Pamidighantam Sri Narasimha*

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*Reference made on 6th December, 2021*

*by*

***Hon'ble The Chief Justice of India***

***Shri N. V. Ramana***

*in the memory of*

***Late Mr. Justice Mohan M. Shantanagoudar***

***Sitting Judge, Supreme Court of India***

1. *My Brother and Sister Judges, learned Attorney General Shri K.K. Venugopal, learned Solicitor General Shri Tushar Mehta, learned law officers, Shri Vikas Singh, President, Supreme Court Bar Association, Shri Shivaji M. Jadhav, President, Supreme Court Advocates-on-Record Association, Members of the Bar, Family members of late Shri Justice Mohan M. Shantanagoudar, ladies and gentlemen.*

2. *We have assembled here this morning to pay homage to a distinguished colleague- Shri Justice Mohan M. Shantanagoudar, who passed away late in the night on 24th April, 2021. I never thought that I would have to condole the death of one of my most valued colleagues. His sudden death is a great loss to the Supreme Court. In losing him, the country has lost a common man's judge. I have personally lost a most cherished friend and a valuable colleague.*

3. *Justice Shantanagoudar was born on 5th May, 1958 in Karnataka. Brother Shantanagoudar's father had been an advocate in Dharwad with immense experience. Following in the footsteps of his father, after completing his B.Sc., Brother Shantanagoudar decided to pursue law from Karnataka University, Dharwad.*

4. *He enrolled as an Advocate on 5th September, 1980, and practiced in Dharwad for one year in the Chambers of I.G. Hiregondar and then shifted to Bengaluru. He started practise in the High Court of Karnataka at Bengaluru in 1981 by joining the Chambers of Shri Shivaraj Patil, who later became a Judge of this Court. In 1984, Justice Shantanagoudar started his independent practice and mainly focused on Civil, Criminal and Writ matters. He was the Legal Advisor/Panel Advocate to various educational institutions, local bodies and co-operative societies.*



5. *He was a member of the Karnataka State Bar Council from 1989 to 2000 and held the positions of Vice Chairman and Chairman for some time.*

6. *He was also a member of the Karnataka State Legal Aid Board, and an Executive Committee Member of the National Law School of India University Bengaluru.*

7. *He served as the State Public Prosecutor of Karnataka from 1999 to 2002 and defended the State in many sensational criminal appeals. He appeared on behalf of Tamil Nadu in the Karnataka High Court from 1999 to 2002.*

8. *He was appointed as an Additional Judge of the Karnataka High Court on 12th May, 2003 and was sworn in as a Permanent Judge on 24th September, 2004. He was also the President of the Bangalore Mediation Centre and Karnataka Judicial Academy.*

9. *On transfer to the High Court of Kerala, he assumed charge as the Acting Chief Justice on 1st August, 2016. He was sworn in as the Chief Justice of Kerala High Court on 1st January, 2016.*

10. *Justice Shantanagoudar was elevated as a Judge, Supreme Court of India on 17th February, 2017.*

11. *His contribution to the jurisprudence of the nation is indisputable. All of you are already aware about his judgments, and I do not want to elaborately discuss them. Amitabha Dasgupta v. United Bank of India, Nandan Biomatrix Ltd. v. Ambika Devi and Krishna Lal Chawla v. State of UP are some of his important judgments, to name a few.*

12. *His judgments provide a deep insight into his thought process - his years of experience, his knowledge and his unending wisdom. His judgments showed simplicity, abundant common sense, and a practical approach. He was always concerned about social equality, and the rights and liberties of the people.*

13. *I sat with him on the Bench for about a year and a half. His legal acumen, immense preparation, his kindness and generosity of spirit was always apparent. We grew very close over that period.*

14. *One thing that stood out about Brother Shantanagoudar was his sense of humour and his infectious laugh. I think all of you would remember how he could make the Court feel comfortable and reduce tensions. Brother Shantanagoudar was always very*

*encouraging to young lawyers, law clerks and interns. He was always willing to give guidance and support.*

*15. Over the last year, although his health took a turn for the worse and he grew very weak, he continued to sit on the bench, hear cases and write judgments. He never showed people the extent of his illness. He was built from a different fibre. His immense grace, strength of character and commitment to his judicial duty were inspiring.*

*16. Brother and Sister Judges and I share the feelings of all those who have gathered here in expressing our heartfelt condolences to the members of the bereaved family. May the Almighty give them strength to bear the great loss and overcome the grief.*

*17. May the departed soul rest in eternal peace.*

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*Reference made on 6th December, 2021*

*by*

***Attorney General For India***

***Shri K. K. Venugopal***

*in the memory of*

***Late Mr. Justice Mohan M. Shantanagoudar***

***Sitting Judge, Supreme Court of India***

*Hon'ble the Chief Justice of India, Justice N.V. Ramana, Hon'ble Judges of the Supreme Court, the Solicitor General of India, Sh. Tushar Mehta, the Additional Solicitors General, President of the Supreme Court Bar Association, Sh. Vikas Singh and office bearers of the SCBA, President of the Supreme Court Advocates on Record Association, Sh. Shivaji Jadhav and other office bearers of the SCAORA and my colleagues at the Bar:*

*1. It is always with a feeling of profound grief that the Full Court and the Bar gather to mourn a departed colleague. But to have to mourn one who has left us far too soon, is tragic. Justice M. M. Shantanagoudar left us at what is today, the not so old age of 62, and deprived us of the benefit of his erudition and wisdom of an illustrious career on the Bench.*

*2. Born on 5 May 1958, he started his practices as a lawyer at Dharwad, joined Sri Shivraj Patil, later Judge of the Supreme Court at Bangalore and successively held the office of judge of the Karnataka High Court, Chief Justice of the Kerala High Court and finally, Judge of the Supreme Court of India, till he passed away on 24th April 2021, a few years before he was to retire.*

*3. I am told that during the Full Court Reference held on his assumption of the office of Chief Justice of the Kerala High Court, Justice Shantanagoudar cited a passage by Confucius. I would like to read it:*

*“So simple it is to live; so simple it is to love; so simple it is to smile; but so difficult it is to be simple.”*

*It was most apt that Justice Shantanagoudar chose to refer to these lines, for all who knew him would certainly say that he himself was simplicity personified. Despite the*



heights to which his intellect would propel him in his career, he was never presumptuous, and would readily interact with his colleagues on a range of topics from esoteric discussion on criminal law to his favourite dishes at the “LEA Canteen” at Dharwad.

4. During his tenure at the Supreme Court, Justice Shantanagoudar was regarded as one of the brightest legal minds, particularly in the field of criminal law. He was very learned, but without even the slightest hint of ego, and I had often seen him prodding the younger members of the Bar to argue matters before him, with gentle words of encouragement. Even in his short tenure on the Supreme Court, I do not believe that you would find a single lawyer who did not have the greatest admiration for him. His colleagues on the Bench recall him as an extremely compassionate man, and one gifted with a rare sense of humour, which was on display both on and off the Bench. He brought liveliness during Court proceedings, interspersing them with wittiness, which many a time diffused the pressure on the Counsel.

5. He was a man of conviction. When he had been for only a few months on the bench of the Supreme Court, he took a firm stand and delivered a dissenting opinion in the Indore Development Authority case [Indore Development Authority v. Shailender (2018) 3 SCC 412]. Justice Shantanagoudar took the view that as there was a judgment which was contradictory to the decision of the majority which had been rendered by a co-ordinate Bench, the question of law involved had necessarily to be referred to a larger bench for determination. This was ultimately done.

6. Even his short tenure was affected by his being unwell. Nevertheless, Justice Shantanagoudar delivered several important decisions which greatly advanced public interest. In *M/s Nandan Biomatrix Ltd. v S Ambika Devi* (2020) 13 SCC 130, he was moved by the plight of small scale farmers, who were embroiled in a legal dispute with a seed company which had not bought back their crop as promised and had approached the consumer forum for relief. He held that such small farmers were consumers, not carrying on a commercial enterprise, and were therefore entitled to sue for deficiency of service and receive compensation.

7. In *Himani v. State of Uttar Pradesh & Ors.*, which was a habeas corpus petition filed by a man to ascertain the whereabouts of a young woman who was forcibly housed in a Nari Niketan in Uttar Pradesh, Justice Shantanagoudar ordered her immediate release holding that it was open to the woman, to live “as per her wish”.

8. In the sphere of criminal law too he has delivered several important cases. For example, the decision of *M. Ravindran v Intelligence Officer* (2021) 2 SCC 485 is

*considered to be a landmark judgment on default bail. Writing for a three-judge bench, Justice Shantanagoudar held that the right to default bail under Section 167 of the Criminal Procedure Code on the failure to file a police report within the prescribed time was inherently linked to Article 21 of the Constitution of India. The Court further held that once the accused person has availed of his right by filing an application under Section 167(2), his right to default bail cannot be defeated by subsequent filing of the chargesheet or a report seeking extension of time by the prosecution. This case is certainly a landmark one and would go a long way towards safeguarding the principles of fairness of criminal trials in the country.*

*9. In Krishna Lal Chawla v. State of UP, (2021) 5 SCC 435, a bench of Justice Shantanagoudar and Justice R. Subhash Reddy held that the trial court has a duty under the Constitution and the CrPC, to identify and dispose of frivolous litigation without delay so that these cases may not clog the dockets of the Court.*

*10. In one of his last judgments, Amitabha Dasgupta v. United Bank of India, [Civil Appeal 3966/2010] delivered on 21.02.2021, just a few months before his passing away, Justice Shantanagoudar sought to protect the earnings of the public by increasing the accountability so far as the locker system in a bank is concerned. He held that banks could not wash their hands of liability, in the event that theft occurred of the customer's belongings in lockers or safe deposits. Accordingly, he directed the Reserve Bank of India to frame directions to be used by banks with mandatory steps to be taken with respect to locker facility and safe deposit facility management.*

*11. Justice Shantanagoudar was a person of integrity and courage. He was also a lively person, and was known to have a wonderful sense of humour. Even though he suffered from the dreadful cancer which would finally take his life, he was keen to serve on the Bench and participate in proceedings. I am told that despite his illness, he continued to write judgments and had confided in his colleagues that the Court proceedings invigorated him.*

*12. His death came as a great shock to all of us, and we have indeed lost a great judge. It is with utmost sorrow that I condole the loss of Justice M.M. Shantanagoudar. He is survived by his wife Smt. Sunitha Shantanagoudar, his daughter Pooja Shantanagoudar and son Shivaprasad Shantanagoudar. I offer my deepest condolences to them. May the warm memories of Justice Shantanagoudar, bring solace to his family.*

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*Reference made on 6th December, 2021*

*by*

***Shri Vikas Singh (Sr.)***

***President, SCBA***

*in the memory of*

***Late Mr. Justice Mohan M. Shantanagoudar***

*(5 May, 1958 - 24 April, 2021)*

***Sitting Judge, Supreme Court of India***

*(17 February, 2017 - 24 April, 2021)*

*Hon'ble the Chief Justice of India, Hon'ble Judges of this Court, Ld. Attorney General of India, Law Officers, Members of the family of Late Justice Mohan M. Shantanagoudar, Members of Executive Committee of SCBA, Shivaji Jadhav, President SCAORA, Members of Executive Committee of SCAORA and Members of the Bar.*

*Hon'ble Justice Mohan M. Shantanagoudar left for the heavenly abode on 24th April, 2021 while serving in office. It is said that: "All men must die, but death cannot kill their names." Justice Shantanagoudar was one such pious personality who cannot be forgotten. The name Shantanagoudar has two parts - Shanta meaning calm and Goudar meaning elder, one who shows the path and leads. Justice Shantanagoudar truly lived upto his name and guided us till the end.*

*Justice Shantanagoudar was born in Chikkerur village, Haveri District, Karnataka on 5th May 1958. Justice Shantanagoudar enrolled with the Karnataka State Bar Council in 1980 and joined the chambers of the legendary advocate Shri I.G Hiregoudar, whose office was akin to a law university. Justice Shantanagoudar soon thereafter shifted to Bengaluru to join the chambers of Advocate Shivaraj V. Patil (as he then was), who later adorned the Bench of this Court. He set up his independent practice in 1984. In 1991, he was elected to the Karnataka State Bar Council and became its Vice Chairman and thereafter in 1995 became its Chairman. He served as Karnataka State Public Prosecutor before being appointed as an Additional Judge on 12th May 2003 in the Hon'ble High Court of Karnataka. Immediately upon his elevation, his father Shri Mallikarjunagouda Shantanagoudar, as a mark of high tradition of the Bar,*



*surrendered his Bar licence and stopped practice. Justice Shantanagoudar also served as the President of the Bangalore Mediation Centre. On transfer, Justice Shantanagoudar was sworn-in as Judge of High Court of Kerala and assumed charge as Acting Chief Justice of Kerala High Court on 1st August 2016. Justice Shantanagoudar was sworn in as the Chief Justice of the High Court of Kerala on 22nd September 2016 and was elevated as Judge of the Supreme Court of India on 17th February, 2017.*

*Throughout his career as a Judge, he displayed a quick grasp and keen intellect coupled with utmost humility and courtesy. Justice Shantanagoudar's effortless simplicity never came in the way of taking fearless decisions. He passed a dissenting judgement in the Indore Development Authority case. In his historic judgement in Sakkubai v. State of Karnataka, order was passed for the demolition of all illegal structures at the Hampi World Heritage Site that were constructed in violation of law. In the case of M. Ravindran v. Intelligent Officer, the often disregarded and indefeasible right of an accused to be released on default bail was reaffirmed. In the Mandan Bomatrix case, he held that entering into a buyback transaction would not preclude a farmer from taking benefit as a “consumer” and he painstakingly chronicled the plight of farmers and the crisis engulfing the agricultural sector in India.*

*Justice Shantanagoudar was an ardent devotee of Satya Sai Baba. The Hon'ble Chief Justice of India, who too is a fellow devotee recently in an event recalled his close association with Justice Shantanagoudar and recounted an incident with according to him was very heart touching. The Hon'ble CJI said and I quote “One day after hearing cases I retired to the chamber and on the way, I lost the gemstone in the ring which was given to me by Sathya Sai Baba after my elevation as a judge. I lost the stone only. I realised that I lost the gemstone after I reached the chamber. I called brother Shantanagoudar and told him that I lost it as he knew about the gem and the value it had for me. I was very upset but I kept quiet. Then I was sitting in the chamber and after half an hour I saw Justice Shantanagoudar coming in with the gem. I asked him how he got it? I then learnt that he spent an hour searching for it in the Supreme Court lounge, in the corridors, courtroom area, personally and he found it. This incident shows his affection and his humility”.*

*Justice Shatanagoudar's humane side was again seen during the lockdown period, when he made considerable contributions to the COVID-19 relief work.*

*Besides being a compassionate man, Justice Shantanagoudar had a great sense of humour and would bring liveliness to regular court proceedings. He was someone who always encouraged junior counsels and motivated them by giving them more time to argue to boost their confidence. Justice Shantanagoudar was always extremely indulgent and patient at the hearings.*

*He said that with hardwork, sincerity and humility nothing was impossible. He said that if a young advocate like him coming from a rural background could go on to achieve one of the highest posts in the country, anybody could do it, provided one put their heart into it.*

*Besides all, Justice Shantanagoudar was a very warm and a cordial person filled with compassion, sympathy and consideration and who mixed with one and all on even terms. He died at the Medanta Hospital in Gurugram, Haryana in the night of 24th April 2021. He was suffering from prolonged illness and was also infected with viral pneumonia. He is survived by his wife Smt. Sunitha, son Shiv Prasad who is practicing in Karnataka, daughter Pooja, grandson Siddhant. According to family members, Justice Shantanagoudar had expressed his desire that, if at all he dies, his wish is to be buried next to his mother, who had passed away in July 2020.*

*I would conclude with a saying that: “The life of the dead is placed in the memory of the living.” When we commemorate the life of Justice Shantanagoudar, we all desire to follow the imprints left by him. I on behalf of the members of the Bar offer my heartfelt condolences to the bereaved family. May his soul rest in divine peace.*

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## ***List of Attendees at the Full Court Reference***

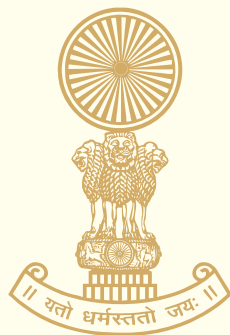
- ❖ *Shri K.K. Venugopal,  
Ld. Attorney General for India.*
- ❖ *Shri Tushar Mehta,  
Solicitor General of India.*
- ❖ *Shri Vikas Singh, (Sr.)  
President,  
Supreme Court Bar Association.*
- ❖ *Shri Pradeep Kumar Rai, (Sr.)  
Vice President,  
Supreme Court Bar Association.*
- ❖ *Shri Ardhendumauli Kumar Prasad,  
Hony. Secretary,  
Supreme Court Bar Association.*
- ❖ *Shri Shivaji M. Jadhav,  
President,  
Supreme Court Advocates-on-Record Association.*
- ❖ *Shri Manoj K. Mishra,  
Vice President,  
Supreme Court Advocates-on-Record Association.*
- ❖ *Shri Joseph Aristotle S.,  
Hony. Secretary,  
Supreme Court Advocates-on-Record Association.*

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*Family Members of  
Late Hon'ble Mr. Justice Mohan M. Shantanagoudar  
Sitting Judge, Supreme Court of India  
at the Full Court Reference*

- ❖ *Shri Shivaprasad Shantanagoudar, Son*
- ❖ *Ms. Shwetha Nagesh, Daughter-in-law*
- ❖ *Ms. Sunitha Shantanagoudar, Wife*
- ❖ *Ms. Pooja Shantanagoudar, Daughter*

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**THE SUPREME COURT OF INDIA**

**New Delhi - 110001**

**India**