



No Advocate to be penalized for doing his job - Madras High Court

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An advocate cannot be penalised simply because he does his professional duty to defend a client accused of having Maoist links, the Madras High Court recently. As noted in its order,

“Appearing for a Maoist is not a crime. On the other hand, if a Maoist accused of an offence

seeks the professional assistance of a lawyer, it is his duty to defend.”

Justice **MV Muralidaran** made the observation while discharging one, advocate Murugan who was implicated in a Maoist case after a client he represented confessed to having Maoist links.

The client in question, Srinivasan, had confessed to the crime while in police custody back in January 2017, which in turn prompted the police to add his advocate, Murugan, to the FIR already prepared. The police claimed that Murugan had handed over incriminating Maoist material to Srinivasan in 2016. They also relied on the testimony given by two others in April 2017 in relation to these allegations. Further, the police claimed that Murugan had given financial aid to another person with Maoist links.

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All of this, the police contended, showed that Murugan had the same criminal objective as Srinivasan and that he had acted in a manner unbecoming of an Advocate and beyond legal ethics.

A challenge made to this implication was dismissed by the Assistant Sessions judge in September 2017. On further appeal before the High Court, however, Justice Muralidaran found that there was no prima facie case made out to add Murugan to the list of accused.



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