

ADDRESS BY HON'BLE THE CHIEF JUSTICE SHRI DIPANKAR DATTA, AT THE FULL COURT REFERENCE IN THE MEMORY OF LATE SHRI JUSTICE MANOJ KUMAR MUKHERJEE, FORMER JUDGE OF THE SUPREME COURT OF INDIA, FORMER CHIEF JUSTICES OF THE ALLAHABAD AND THE BOMBAY HIGH COURTS AND FORMER JUDGE OF THE CALCUTTA HIGH COURT, ON FRIDAY, MAY 7, 2021 AT 10.30 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY, THROUGH WEBEX/PHYSICAL.

My esteemed sister and brother Judges

**Shri Anil Singh,
Additional Solicitor General of India,**

**Shri Rajiv Chavan, Senior Advocate,
on behalf of the Advocate General for the State of Maharashtra,**

**Shri Sudeep R. Pasbola, Vice Chairman of
Bar Council of Maharashtra & Goa,**

Dr. Birendra Saraf, Vice President of Bombay Bar Association,

**Shri Kuldeep Patil, Secretary of
Advocates' Association of Western India.**

**Mr.Kaiwan Kalyaniwalla, President, Bombay Incorporated Law
Society.**

The family members of late Justice Manoj Kumar Mukherjee,

Learned Senior Advocates and Members of the Bar,

Members of the Registry and the staff,

Ladies and Gentlemen.

We have assembled here this morning to pay obeisance to late Justice Manoj Kumar Mukherjee, an eminent former Judge of the Supreme Court of India, a former Chief Justice of the Allahabad High Court as well as the Bombay High Court, and a former Judge of the Calcutta High Court, who breathed his last after a prolonged illness, patiently borne, on April 17, 2021 at Kolkata.

Justice Mukherjee was born on December 1, 1933. After schooling in East Indian Railway School, Asansol, His Lordship obtained the Bachelor's degree in Science from Presidency College, Calcutta and in Law from the Calcutta University. After enrolling as an advocate, His Lordship joined the Asansol bar. His Lordship shifted practice to Calcutta, started appearing before the Calcutta High Court, and built up a formidable practice specially in criminal and labour matters.

After a successful career as a lawyer at the Calcutta High Court, His Lordship was appointed as an additional Judge of the Calcutta High Court on June 17, 1977 and later made a permanent Judge on December 8, 1977.

On November 12, 1991, His Lordship was appointed as the Chief Justice of the Allahabad High Court. On transfer, His Lordship joined as the Chief Justice of Bombay High Court on January 9, 1993. His Lordship was elevated to the Supreme Court on December 14, 1993. If my memory serves me right, His Lordship was the first Judge recommended for elevation to the Supreme Court by the Collegium of Judges after the judgment in the Second Judges' case. After serving for almost 5 years, His Lordship demitted office on November 11, 1998.

Justice Mukherjee was part of number of Constitution Benches and other Benches that authored several landmark judgments. The list is quite big. **I may only refer to the judgments in the third Judges' case; R.K. Sabharwal and Others V/s. State of Punjab and Ors. case – how the reservation roster should work; University of Delhi and Another V/s. Anand Vardhan Chandal case, where it was held that right to participate in students' union activities, including election, cannot be placed on a higher pedestal than the right to education; T.N. Seshan, Chief Election Commissioner of India V/s. Union of India and Ors. case, where**

it was held that incumbents of an institution being its creature, cannot be higher than the institution.

After His Lordship's retirement from the Supreme Court, His Lordship was appointed by the Government of India on May 14, 1999 to probe the disappearance of Netaji Subhash Chandra Bose. The Justice Mukherjee Commission concluded that Netaji did not die in a plane crash and that the ashes in Renkoji temple, Japan, are not those of Netaji. The said report was, however, not accepted by the Government of India. I hope and pray that the mystery is solved sooner or later.

His Lordship was my late lamented father's colleague on the Bench in the Calcutta High Court. I did not have too many occasions to appear before His Lordship. But prior to my graduation, I recollect visiting the High Court and my favourite destination was court no.13, where His Lordship presided over the Division Bench. It was indeed a treat to watch His Lordship control court proceedings. His Lordship was an expert in criminal and writ matters, and being very sharp could reach the depth of the matters in no time. His Lordship was an outstanding personality and his contribution to the field of law would be remembered for ever.

Being one of my predecessors-in-office, His Lordship personally congratulated me on my elevation and encouraged me to maintain the pristine glory of the office I now hold. I heard from His Lordship that when he was the Chief Justice of this Court, Judges seldom used to reserve judgments and majorly judgments were dictated in open court immediately after hearings were concluded. His Lordship also appreciated the quality of assistance received from the Bar. Because of the current load, I presume, it is felt appropriate by Judges to reserve judgments rather than dictating judgments in open court and thereby impede the progress of the board. However, insofar as the quality of

the Bombay Bar, His Lordship in my opinion has been absolutely correct.

His Lordship died an octogenarian, having lived a meaningful and fulfilling life. In His Lordship's death, the society has lost a true scholar, a born leader and a human being with rich human qualities. His Lordship is survived by his three sons, none of whom joined the legal profession, four grand-daughters and one grandson who is an advocate.

On behalf of my esteemed colleagues as well as on my personal behalf, I extend deepest condolences to the members of the bereaved family and pray to God that the noble soul of Justice Manoj Kumar Mukherjee attains "Sadgati".

Om Shanti, Shanti, Shanti!!!

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ADDRESS BY MR.ANIL SINGH-ADDITIONAL SOLICITOR -

Hon'ble the Chief Justice;

Hon'ble Judges of this court;

Shri.Rajiv Chavan, Senior Advocate on behalf of the learned Advocate General of Maharashtra,

Shri.Sudeep Pasbola, the Vice President of Bar Council of Maharashtra and Goa,

Dr.Birendra Saraf, the Vice President of the Bombay Bar Association,

Shri.Kuldeep Patil, the Secretary of Advocates' Association of Western India,

Shri.Kaiwan Kalyaniwalla, the President of Bombay Incorporated Law Society,

The family members of His Lordship late Hon'ble Mr.Justice Mukherjee;

The members of the Bar, and the members of the Registry and staff,

Ladies and gentlemen.

Justice Mukherjee was born in the pre-independence era and practiced initially in Asansol before the Sub-Divisional and District Court and Labour Tribunal, before moving onto practicing before the Calcutta High Court.

In or about the year 1977, somewhere around the age of 44-45 years, Justice Mukherjee began his judicial career. Initially, he was appointed as Additional Judge of the Calcutta High Court. He was made a permanent Judge of the Calcutta High Court within

a period of six months itself. Having served the Calcutta High Court for more than a decade, he was elevated as the Chief Justice of the Allahabad High Court on 12th November 1991. Justice Mukherjee was then transferred to this Hon'ble Court and succeeded Justice P.D. Desai as the Chief Justice of this Hon'ble Court. He presided as the Chief Justice of this Hon'ble Court till 1993. Thereafter, he was elevated as Judge of the Hon'ble Supreme Court of India and served there for a period of almost five years before retiring.

Post retirement, he was appointed to lead the Commission of inquiry into the alleged disappearance or death of Netaji Subhash Chandra Bose. The Mukherjee Commission submitted its report on 8th November 2005. The Commission concluded that Subhash Chandra Bose did not die in a plane crash. A lot of hard work and research had gone into the said report, but, unfortunately, the then Government rejected the findings of the Commission.

Justice Mukherjee made immense contribution to Indian jurisprudence and development of the law. I would like to draw attention to a few of his landmark judgments:

In the case of *Vijender vs. State of Delhi*, reported in (1997) 6 SCC 171, Justice Mukherjee rendered a lucid judgment explaining the basic of several concepts under the Evidence Act, such as the best evidence rule, rule against hearsay, appreciation of circumstantial evidence etc.

Justice Mukherjee also authored the judgment in *Vasant Pandit vs. Dr.Anant Sabnis*, reported in (1994) 3 SCC 481,

wherein, it was clarified that there could be no bequest of a tenancy right in the context of the Bombay Rent Control Act.

Justice Mukherjee observed that the legislative prescription was to give protection to members of the family of the tenant residing with him at the time of his death. The basis for such prescription was that when a tenant was in occupation of the premises, the tenancy is taken by him not only for his own benefit but also for the benefit of the members of the family residing with him.

Justice Mukherjee was also a part of several Constitution Bench judgments, such as the judgment in R.K. Sabharwal vs. State of Punjab, reported in (1995) 2 SCC 745. In this case, the Apex Court dealt with very important questions of service law and reservation.

Justice Mukherjee was also a part of the Constitution Bench in the case of University of Delhi vs. Anand Vardhan, reported in (2000) 10 SCC 648, wherein the Apex Court clarified that while the right to education is a fundamental right, the right to contest the students' union elections is a mere statutory right.

Justice Mukherjee was also a part of the nine Judge Bench in the case of Special Reference No. 1 of 1998, reported in (1998) 7 SCC 739, wherein the Hon'ble Apex Court held that while the opinion of the Chief Justice of India has primacy in appointment of judges of the Supreme Court and the High Court, his sole opinion is not enough. It was held that the expression "*consultation with*

the Chief Justice of India" in Articles 217(1) and 222(1) of the Constitution of India requires consultation with a plurality of Judges in the formation of the opinion of the Chief Justice of India. The sole individual opinion of the Chief Justice of India does not constitute "*consultation*" within the meaning of the said Articles.

The list could go on and on. Such has been the invaluable contribution of Justice Mukherjee to the growth of law and Indian jurisprudence.

His demise is an immense loss to the nation and the legal fraternity. I offer my deepest condolences to his family and pray that his soul may rest in eternal peace.

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**ADDRESS BY MR. RAJIV CHAVAN, SENIOR ADVOCATE ON
BEHALF OF THE ADVOCATE GENERAL OF MAHARASHTRAAT -**

My Lord Hon'ble the Chief Justice and

Hon'ble Judges of the High Court,

Learned Additional Solicitor General Mr. Anil Singh,

Mr. Sudeep Pasbala, representing Bar Council of Maharashtra.

Dr. Birendra Saraf, Vice President of Bombay Bar Association,

Mr. Kuldeep Patil, Secretary of Advocates' Association of Western India,

Mr. Kaiwan Kalyaniwalla, President of Incorporated Law Society,

Members of the Bar,

Ladies and Gentlemen,

In the corridors of Court, Justice Mukherjee was often described as a distinguished jurist, a perfectionist, a master and exponent of the law, but what stood out to me about him was his unyielding commitment to fairness left behind in his invaluable juridical work contained in his judgments and this will remain as our heritage. With a deep sense of sorrow, I mourn the passing away of this remarkable Judge who will live on in our hearts forever. May I present my humble homage to him while condoling his sad demise.

Born in an illustrious legal family, his father was a renowned lawyer of Asansol. Justice Mukherjee's passion for lawyering

perhaps began very early in his life. He started practice in Calcutta High Court in 1971 and within six years, he was elevated as a Judge of the Calcutta High Court on 17th June 1977. He was elevated as Chief Justice of Allahabad High Court in 1991 and later transferred as Chief Justice of the Bombay High Court. He was elevated as Judge of the Supreme Court of India with effect from 14th December 1993 and he retired in 1998. It is said that the first impression is not always the last impression. I was given to understand that those who had appeared before him for the first time felt a sense of consternation due to his stern, humourless master exponent of law demeanor. But, with passage of time, they came to realize that this was just a *fasad* and in reality the man behind in the iron mask was actually a warm hearted caring soul. Innumerable juniors will vouch by this. My Lord, I happened to watch the Full Court Reference proceedings held in Calcutta High Court to pay homage to Justice Mukherjee. A lawyer from Calcutta High Court recounted an incident that brought out the excellent judicial temperament of Justice Mukherjee. I wish to share this. A litigant once suddenly got up and hurled his footwear at Justice Mukherjee while a matter was being heard by him. The police arrested the litigant. During recess, Justice Mukherjee directed that the litigant be brought to his chamber. The litigant was produced before him. Justice Mukherjee asked, "Am I your enemy, that you hurled a footwear at me?". The litigant started weeping and replied that his matter was pending for years and he wanted justice. Moved by his frustration, Justice Mukherjee asked the Registry to keep his matter on the next day. The matter appeared, was heard and appropriate orders were passed. Justice Mukherjee delivered

number of path-breaking judgments. There was an instance when he, as a Judge of the Supreme Court, had differed with his own decision, delivered as a Judge of the Calcutta High Court. When asked, why this change, with a wide smile, Justice Mukherjee had replied, "I had grown wiser". My father Justice B.V. Chavan, a retired Judge of this Hon'ble High Court recalls and I quote, "Justice Mukherjee was a sportsperson, he loved to have people around him especially brother and sister Judges, mix with them and try to understand their problems. One of the hallmarks of a matured and dignified Judge is to treat his brother and sister Judges and the legal fraternity with courtesy and kindness that is due to them. This distinguishes them as Judges with impeccable character. Justice Mukherjee was all this and much more". Justice Mukherjee's passing away has created a vibe, have to fill.

My Lord, the Chief Justice, I, on behalf of the learned Advocate General of Maharashtra, pay my humble respects to Justice Manoj Kumar Mukherjee and offer our heartfelt condolences to the bereaved family and fully associate with the sentiments that have been expressed by Your Lordship and the learned ASG.

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**ADDRESS BY SHRI.SUDEEP PASBOLA, VICE-CHAIRMAIN OF
BAR COUNCIL OF MAHARASHTRA & GOA :-**

Hon'ble Chief Justice and other Hon'ble Judges of the Bombay High Court,

Learned Additional Solicitor General Shri.Anil Singh,

Learned Senior Advocate Shri.Rajiv Chavan on behalf of the learned Advocate General,

Learned Senior Advocate Dr.Birendra Saraf, Vice President of the Bombay Bar Association,

Learned Advocate Shri.Kuldeep Patil, Secretary of the Advocates Association of Western India,

Learned Advocate Shri.Kaiwan Kalyaniwala-President of Bombay Incorporated Law Society,

The family members of late Justice Manoj Kumar Mukherjee, and

All my seniors and colleagues at the Bar.

Justice Manoj Kumar Mukherjee was an eminent jurist. After completing B.Sc., LLB, he commenced practice in Asansol in November, 1956 and practiced in Sub-Divisional and District Courts and Labour Tribunal till 1971. In 1973, Justice Manoj Kumar Mukherjee switched over his practice to Kolkata High Court. In the High Court, his areas of practice included criminal law, industrial and labour law. He was appointed as a Judge of the Kolkata High Court in June 1977. He was elevated as Chief Justice of Allahabad High Court in November 1991 and Chief

Justice of Bombay High Court in January 1993. He was elevated to the Supreme Court in December 1993.

In the year 1999, Justice Manoj Kumar Mukherjee was appointed by the Indian Government to probe the death of Netaji Subhash Chandra Bose. By this time, almost 55 years had elapsed since the alleged death of Netaji Subhash Chandra Bose in a plane crash in Taihoku in Taiwan on 18th August 1945. The investigation report by Japanese Government titled as "investigation in the cause of death and other matters of late Subhash Chandra Bose" was submitted to the Indian Embassy in Tokyo in 1956. The said report was, however, classified and made public only after 60 years.

The Government of India, in the year 1956, had appointed a three-member Committee headed by Shah Nawaz Khan to quell the rumours as to what happened to Netaji Subhash Chandra Bose in August 1945. Shah Nawaz Khan was a member of Parliament and a former lieutenant Colonel in the Indian National Army. Shah Nawaz Khan and another member Shri S. N. Maitra, an ICS Officer, nominated by the Government of West Bengal concluded that excepting minor discrepancies, Netaji Subhash died in a plane crash in Taihoku in Taiwan on 18th August 1945.

Suresh Chandra Bose, brother of Netaji Subhash Chandra Bose, who was a third member of the Committee, however, wrote

a dissenting note and later on claimed that he had signed on the pressure of the then Chief Minister Shri.B.C. Roy.

More than a decade later, after Shah Nawaz Committee, the Government of India in 1970 appointed a new one man Commission headed by the retired Chief Justice of Punjab High Court Shri. G.D. Khosla to inquire regarding the disappearance of Netaji Bose. Justice Shri.G.D. Khosla in his report submitted in 1974 not only concurred with the earlier report of Shah Nawaz Committee but also discounted alternative explanation of disappearance of Netaji Bose and also attributed motive for those promoting stories of Netaji citing as driven by political goal or simply wanting to cause attention to themselves.

In this background, Justice Manoj Kumar Mukherjee took upon this enormous task and as he was in practice at the Bar, rose to meet the challenge. After six years and three extensions, Justice Manoj Kumar Mukherjee submitted a voluminous report, the findings of which were astounding. Justice Manoj Kumar Mukherjee Commission held that the oral account in favour of plane crash was not reliable, that there was a secret plan to ensure Netaji's safe passage to USSR with the knowledge of Japanese authorities and Habibur Rehman, that the plane crash was stage managed, the ashes kept at Renkoji Temple were not of the skeleton remains of Netaji, and called for DNA test. The report also found that Gumnami Baba was not Netaji Subhash Chandra Bose but concluded that in all probability, by this time, Netaji Subhash Chandra Bose was dead.

Ten investigations, both national and international, have probed the disappearance of Netaji Subhash Chandra Bose after the Taihoku crash, and all except the Mukherjee Commission had confirmed and supported the official position of Japan. Justice Mukherjee Commission Report reflected his character of freedom, courage, conviction, strong will, independence, and quest for truth.

To borrow the words of Hon'ble Chief Justice N.V.Ramanna *"the greatest strength of judiciary is the faith of the people. Confidence and acceptability cannot be commanded, they have to be earned"*.

Justice Manoj Kumar Mukherjee epitomized all the requisite qualities of a good Judge and was one of the most respected, learned and admired Judge of this country. During his tenure, firstly as a Judge of Kolkata High Court, later on as the chief Justice of Allahabad High Court and Bombay High Court, and then as the Judge of the Supreme Court, Justice Manoj Kumar Mukherjee has contributed to hundreds of Judgments touching upon wide ranging issues, including constitutional matters. His forte, however, was criminal law and he had penned many leading Judgments on criminal law, including authoring the famous judgment in the case of CBI vs. V. C. Shukla, popularly known as case of Jain Diaries. In the said judgment, Justice Manoj Kumar Mukherjee held that *"even correct and authentic entries in the books of accounts without independent evidence of their trustworthiness cannot fix liability upon a person"*

As Shanon Alder has said "*Carve your name on hearts, not tombstones. A legacy is etched into the minds of others and the stories they share about you*". I can say without any hesitation that the legacy that Justice Manoj Kumar Mukherjee has left behind with each one of us, has been etched into our minds and we shall continue remembering him for the years to come.

I would like to add my voice to the condolences expressed by my Lord the Hon'ble Chief Justice and the other Hon'ble speakers before me and I join with the Chairman and other members of the Bar Council of Maharashtra and Goa and also the Advocates from entire Maharashtra to express our heartfelt condolences to the family of late Manoj Kumar Mukherjee and pray that the soul of Justice Manoj Kumar Mukherjee attains eternal peace.

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ADDRESS BY DR. BIRENDRA SARAF, VICE-PRESIDENT OF BOMBAY BAR ASSOCIATION :-

My Lord the Chief Justice and the other Judges of this Hon'ble Court,

Mr. Anil C. Singh, the learned Additional Solicitor General,

Mr. Rajeev Chavan representing the Advocate General of Maharashtra,

Mr. Sudeep Pasbola, the Vice-Chairman, Bar Council of Maharashtra and Goa,

Mr. Kuldeep Patil, the Secretary, Advocates Association of Western India,

Mr. Kaiwan Kalyaniwalla, the President Bombay Incorporated Law Society,

The Family members of late Justice Manoj Kumar Mukherjee,

Members of the Bar,

Ladies and Gentlemen,

I associate myself with the sentiments expressed by the Hon'ble Chief Justice and the other speakers before me.

My Lord, I read an obituary issued by the family of Justice Manoj Kumar Mukherjee which said:

"You lived a simple life yet never wavered in your principles of integrity, punctuality and discipline.

You spoke little but your deeds always spoke so much more than your words.

You rose to the pinnacle of professional respect and esteem but never forgot to be the quintessential family man.

You led by example and never neglected to keep your duty to keep an ever watchful, indulgent eye on our minutest of needs.

We will greatly miss you – our guardian and our defender...”

I really felt that this so aptly described the role played by Justice Mukherjee in the judiciary and also the sentiments of the members of the Bar and the Bench.

I remember seeing Justice Mukherjee as a Chief Justice of this Hon'ble Court when I used to attend Court as a law intern from a law firm. I did not understand much of the legal nuances of what transpired in Court, but I do remember him as a very kind-hearted Judge who was always courteous to the lawyers.

Having started his practice in District Court, within just four years of his shifting practice to the Calcutta High Court, he proved himself and was appointed as a Judge of that Court. He headed two of the largest Courts in India as the Chief Justice before being elevated as a Judge of the Supreme Court.

Some of my friends in Calcutta shared an incident with me in which Mr. Chavan mentioned My Lordship, where a litigant hurled a footwear and yet His Lordship heard that case on the next date and passed appropriate orders. Though such a conduct of a litigant, Justice Mukherjee left aside everything else and really looked after the interest of that litigant. That clearly reflects the commitment of Justice Mukherjee to the cause of Justice.

In a dinner hosted by the Bombay Bar Association, My Lord, the Chief Justice Mukherjee while appreciating the work culture in

Bombay had lamented that in various other Courts on the death of lawyers the reference held and thereafter there was a loss of work for half day or full day. Justice Mukherjee's commitment to the work when he feels sad that such precious judicial time was being wasted when the litigants were knocking the doors of the Court. Justice Mukherjee led a fulfilling life dedicated to the cause of justice and after having rendered selfless service to that cause he has now moved on in the journey to the next world.

On behalf of our President Mr. Nitin Thakker, the members of the Bombay Bar Association and on my own behalf, I offer my heartfelt condolences to the bereaved family.

May his soul rest in eternal peace.

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**ADDRESS BY MR.KULDEEP PATIL, SECRETARY OF
ADVOCATES' ASSOCIATION OF WESTERN INDIA :-**

The Hon'ble Chief Justice of Bombay High Court,
The Hon'ble Judges of the Bombay High Court,
Mr.Anil Singh, the Additional Solicitor General,
Mr.Rajeev Chavan representing the Advocate General,
Mr.Sudeep Pasbola, Vice-President, Bar Council of Maharashtra
and Goa,
Dr.Birendra Saraf, Vice-President of Bombay Bar Association,
Mr.Kaiwan Kalyaniwalla, the President of Incorporated Law Society,
The family members of late Justice Mukherjee,
Members of legal fraternity,

Ladies and Gentlemen,

Today, we have assembled here to condole the demise of Justice Manoj Kumar Mukherjee who was a former Chief Justice of the Bombay high Court and former Judge of the Hon'ble Supreme Court of India.

Hon'ble Justice Manoj Kumar Mukherjee joined the Asansol Bar in November 1956 and practiced there till 1971. Thereafter in the year 1973, he shifted his practice to Calcutta High Court. His main area of practice was criminal, industrial and labour matters. Through his sheer dint of hardwork and brilliance, he succeeded his practice as a lawyer. This did not go unnoticed and he was asked to join the Bench. In June 1977, he was appointed as Judge at the Calcutta High Court.

Though I had no opportunity to appear before him, I was able to gather information about him from the Senior Advocates at the Bar. It was told that as a Judge of Calcutta High Court, Justice Mukherjee often presided over the Division Bench or as a Single Judge taking up assignments of criminal matters. He had made a rule in his court that no Senior Advocate was allowed to appear for arguing admission of criminal appeals. In his Court, only junior Advocates were allowed to argue criminal appeals for admission. He followed this practice in order to eliminate the fear from their minds and to build up their confidence to appear before the Court.

As a Judge of the Hon'ble Supreme Court of India, he delivered several landmark judgments in different branches of law including criminal, civil and constitutional law. His view taken in the matter of Suresh @ Pappu Kalani Versus The State of Maharashtra is cited regularly by the defence lawyers while arguing discharge applications. In this case, the learned Special TADA Judge had dismissed a discharge application citing the probable evidence which could be adduced by the prosecution at trial. Justice Mukherjee while setting aside the order passed by the learned Special TADA Judge had held that at the stage of framing of charge, the Court is required to confine its attention to only those materials collected during the investigation which can be legally translated into evidence and not upon further evidence that the prosecution may adduce at the trial, which could commence only after the charges are framed and the accused denies the charges. Justice Mukherjee have also held that a presumption can be drawn only from the facts and not from other

presumption by process of probable and logical reasoning. This view taken by Justice Mukherjee is now a settled position of law.

During his tenure as the Chief Justice of Bombay High Court, he predominantly dealt with criminal matters involving life sentences. He delivered several judgments on the issues of appreciation of evidence which are regularly cited by the defence advocates and relied upon by the Hon'ble Judges while deciding criminal appeals. Senior Advocates at the bar remember him as a very sharp Judge who could reach to the root of the matter within no time.

After his retirement from the Apex Court, he was appointed by the Union Government as a Chairperson of the Netaji Subhashchandra Bose Disappearance Commission for enquiry in May 1999. The Commission headed by him concluded that Netaji Subhashchandra Bose did not die in the plane crash and the ashes at Renkoji Temple, Japan are not those of Netaji Subhashchandra Bose. The Government however did not accept the said report.

In my view, we cannot pay better homage to him than to take a leaf out of his exemplary book of life and to shape our lives according to that. He was an epitome of learning simplicity, humility, punctuality and firmness.

On behalf of Advocates Association of Western India and on my behalf, I extend heartfelt condolences to the members of his family. May the almighty give strength to them to bear this irreparable loss and may his soul rest in peace.

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**ADDRESS BY MR. KAIWAN KALYANIWALLA, PRESIDENT,
BOMBAY INCORPORATED LAW SOCIETY :-**

My Lord the Chief Justice,

Hon'ble Judges of the Bombay High Court,

Mr. Anil Singh, Additional Solicitor General,

Mr. Rajiv Chavan, Senior Counsel representing the Advocate General of Maharashtra,

Mr. Pasbola, Vice-Chairman of the Bar Council of Maharashtra and Goa,

Mr. Saraf, Vice-President of the Bombay Bar Association and

Mr. Patil, the Honorary Secretary of the Advocates Association of Western India.

I have the honour but a bit sadly to address this Reference as President of the Bombay Incorporated Law society on whose behalf I express condolences on the sad demise of Justice Manoj Kumar Mukherjee. Much is already being spoken in phrase a man Justice Mukherjee was. Even so that would not be enough. Having served in the Bench at Calcutta High Court for fourteen years, Justice Mukherjee was appointed as Chief Justice of the Allahabad High Court and subsequently as Chief Justice of the Bombay High Court before his elevation to the Supreme Court of India. Even though his stint as Chief Justice of Bombay High

Court was for a period of a year, Chief Justice Mukherjee left an indelible mark on the members of the Incorporated Law Society as well as the Bombay Bar in Chamber. He served the cause of judiciary with a gentle but disciplined proportion. Justice Mukherjee is worked in the Commission appointed to examine the veins leading to the death of Subhash Chandra Bose, addressed many outstanding issues, even though his report was regrettably rejected by the Government of India. In the passing on of Justice Mukherjee, we have lost a gentleman Judge and a disciplined, honest and distinguished human being.

May his soul rest in peace.

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