

ADDRESS OF THE HON'BLE SHRI JUSTICE DIPANKAR DATTA,
THE CHIEF JUSTICE, HIGH COURT OF JUDICATURE AT BOMBAY,
AT THE FULL COURT REFERENCE IN MEMORY OF
LATE SHRI JUSTICE PRAKASH SHIVLAL SHAH,
FORMER JUDGE OF THE BOMBAY HIGH COURT
ON THURSDAY, SEPTEMBER 2, 2021
AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL,
HIGH COURT, MAIN BUILDING.

My esteemed sisters and brother Judges,
Shri Anil Singh, Additional Solicitor General of India,
Shri Ashutosh A. Kumbhakoni, Advocate General of Maharashtra,
Shri Vitthal Konde-Deshmukh, Member and Former Chairman, Bar Council of Maharashtra & Goa,
Shri Nitin Thakker, President, Bombay Bar Association,
Shri Sanjeev P. Kadam, President, Advocates' Association of Western India,
Mr.Kaiwan Kalyaniwalla, President, Bombay Incorporated Law Society,
Learned Senior Advocates and Members of the Bar,
Shri Justice A.P. Shah,
The other bereaved members of Shah family,
Members of the Registry and the staff,
Ladies and Gentlemen.

...

We have assembled this morning to pay our respectful homage to late Justice Prakash Shivilal Shah, a distinguished former Judge of the Bombay High Court, who left for his heavenly abode on July 9, 2021.

Justice Shah was born on October 18, 1926 at Umadi in Sangli District. His Lordship completed his elementary education from State High School, Sangli, and college education from D.A.V. College, Solapur and Ferguson College, Pune. Having graduated in law from Law College, Pune, Justice Shah started his career as a lawyer in the year 1952 at Solapur under the guidance of his father Shri Shivilal Shah, a renowned lawyer of Solapur, and his cousin, advocate Shri Vilas Shah.

Justice Shah practiced on both Civil and Criminal jurisdictions at the District and Sessions Court, Solapur. He was a District Government Pleader and Public Prosecutor in District and Sessions Court, Solapur. His Lordship was the youngest District Government Pleader at Solapur at the age of 31. During his tenure as District Government Pleader, His Lordship achieved a great success prosecuting the notorious Modlimb robbery case in Maharashtra.

In due course, His Lordship shifted to the High Court of Bombay and built up a flourishing practice in Civil, Constitutional and Criminal matters on the Appellate Side.

The erudition, ability and competence that His Lordship displayed did not go unnoticed. Justice Shah was appointed as an Additional Judge of the High Court of Bombay with effect from September 9, 1972 and thereafter, a permanent Judge on November 1, 1973. After a long stint in excess of 16 years, His Lordship demitted office as Judge on October 18, 1988.

During his long tenure as a Judge of the Bombay High Court, His Lordship authored numerous important judgments on legal points arising out of interpretation of diverse enactments, which hold the field even today. His Lordship would be remembered for the orders passed against the Government during the emergency protecting fundamental rights of the citizens.

In **Union of India v. Film Federation of India**, reported in 1988 BLR (Vol.XC) 594, the Judges comprising the Division Bench differed in their opinion. Therefore, the matter was referred for hearing and disposal before the third Judge (P.S. Shah, J.) on two main points, i.e, (1) whether the authorities were justified in refusing certification to the film "Pati Parmeshwar" on the ground that it violates Guideline 2(iv-a) of the Guidelines issued by the Central Government for certification of films and (2) whether Guideline 2(iv-a) is beyond the scope of Section 5-B(2) of Cinematograph Act 1952, and thus *ultra vires* Article 19(1)(a) of the Constitution. Justice Shah held that though it is true that the freedom guaranteed under Article 19(1)(a) is not absolute, but the same is undoubtedly a fundamental right. The restriction that is imposed on the said right can only be on

the parameters of clause (2) viz. reasonable restrictions on the ground of decency or morality. Having held that the right of exhibiting a film falls within the fundamental right to freedom of speech and expression as guaranteed under Article 19(1)(g), it was further held that the same can be curbed only under clause (2) and cannot be curbed by any other hypothesis as was sought to be done by resorting to Article 15(3) of the Constitution. The appeals were dismissed and the Union of India was directed to issue a certificate of exhibition as ordered by the learned single Judge.

In the case of **State of Maharashtra v. Kusum Wd/o Charudutta and others**, reported in 1981 Mh.L.J. 93, Justice P.S. Shah was one of the members of the Special Bench consisting of five Judges. The Special Bench was pleased to hold that a proceeding under Article 226 of the Constitution is an original proceeding and if the original proceeding which led to the proceeding under Article 226 concerned civil rights, the proceedings under Article 226 would be an original civil proceeding. A proceeding under Article 226 is not a proceeding for invoking the High Court's power of revision or superintendence. Though in the case of a writ of certiorari and the exercise of the power of superintendence under Article 227, it may at the first blush appear that there is no difference, on a closer examination it is seen that this is not so. These two powers are separate and distinct, conferred upon the High Court by different articles and operate in different fields though it may be that in some cases the end result may be the same. The fact that the same result can be achieved by two different processes does not mean that the two processes by which it is achieved are also the same. It would, therefore, not be correct to equate Article 226 with Article 227 and to hold that Article 226 also confers a power of superintendence and that, therefore, an appeal against the judgment of a single Judge in a proceeding under Article 226 is expressly barred. There is nothing in clause 15 which excludes a right of appeal against the judgment of a single Judge in a proceeding under Article 226.

After demitting office, His Lordship was appointed as the Lokayukta of the State of Maharashtra for a term of five years between October 26, 1989 and October 25, 1994.

I am told that His Lordship was a philanthropist and donated huge sums for social causes not only in Maharashtra but also to trusts elsewhere.

The glorious chapters of Justice Shah's life at the Bar and the Bench, unfortunately, came to an end in July last. Justice Shah died at the ripe old age of almost 95 years. Being a nonagenarian, I am sure His Lordship lived a meaningful and fulfilling life and left this material world without any regrets. In his death, we have lost a dedicated lawyer, distinguished Judge, a wonderful human being of multi-faceted qualities and an outstanding personality. His contribution to the administration of justice and deep involvement in social causes will be remembered forever.

Justice P. S. Shah is survived by his three sons, Shri Ajit, Shri Suhas and Shri Shekhar P. Shah, as well as a daughter, grandchildren and other near and dear ones. One of His Lordship's sons, Shri Ajit P. Shah has been the Chief Justice of the Madras and the Delhi High Courts as well as a Judge of the Bombay High Court following his footsteps and is present here.

On behalf of my esteemed colleagues as well as on my personal behalf, I extend sincerest condolences to the members of the bereaved family and pray to God that the noble soul of Justice Shah attains sadgati.

Om Shanti, Shanti, Shanti!!!

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ADDRESS OF SHRI ANIL C. SINGH,
ADDITIONAL SOLICITOR GENERAL OF INDIA,
AT THE FULL COURT REFERENCE IN MEMORY OF
LATE SHRI JUSTICE PRAKASH SHIVLAL SHAH,
FORMER JUDGE OF THE BOMBAY HIGH COURT
ON THURSDAY, SEPTEMBER 2, 2021
AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL,
HIGH COURT, MAIN BUILDING.

Hon'ble the Chief Justice

Hon'ble Judges of this Court,

Shri. Ashutosh A. Kumbhakoni, Advocate General of Maharashtra,

Shri. Vitthal Konde-Deshmukh, Member and Former Chairman, Bar Council of Maharashtra & Goa,

Shri. Nitin Thakkar, President, Bombay Bar Association,

Shri. Sanjeev Kadam, President of Advocates' Association of Western India,

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

Learned Senior Advocates,

Members of the Bar,

Shri. Justice A.P. Shah & other members of the family of late Justice P. S. Shah,

Members of the Registry and the staff,

Ladies and Gentlemen,

We have gathered here today to celebrate the life of late Justice Prakash Shivilal Shah, an eminent legal luminary and a wonderful human being with varied interests.

Late Justice Prakash Shah's family were primarily agriculturists and based in Gujarat, however, due to the famine they shifted to and settled down in Solapur. Late Justice Shah's father Mr. Shivilal Shah took up the vocation of law and became a very renowned lawyer in Solapur district.

Justice Shah after getting enrolled as an advocate in the year 1962, joined his father's chambers and it was under his father's guidance and training that late Justice Shah made strides as lawyer along with his brother Vilas Shah, who also went on to become a renowned lawyer.

Initially, late Justice Shah practiced in Solapur. He was the youngest district Government Pleader and Public Prosecutor appointed at the age of 31 in the district and sessions Court Solapur.

One of the trials he conducted in the early part of his career as a district Government Pleader was in a heinous murder dacoity trial in the case of State V/s Baburao Patil where he secured an order of conviction. The conviction was confirmed all the way upto the Hon'ble Supreme Court.

As an Advocate of the Bombay High Court, late Justice Shah primarily practiced in Civil, Constitutional and Criminal matters on the Appellate Side. He was appointed as an Additional Judge of the Bombay High Court with effect from 9th September, 1972 and became permanent Judge on 1st November, 1973.

Before his retirement in October, 1988, Justice Shah was the author of several landmark judgments which have and continue to illuminate the path for all legal practitioners. One of the most important judgments that comes to mind is that when emergency was declared in India, a Division Bench of this Hon'ble Court, which included late Justice Shah, took a tough stand and held that the writ of Habeas Corpus did not stand suspended and the detainee was still entitled to his fundamental rights. Whilst history would show that, at the relevant time, the judgment of this Hon'ble Court was overruled by the Apex Court in ADM Jabalpur, the said position has in a sense been reiterated by the Supreme Court recently in the case of **Puttaswamy v/s UOI**.

Another judgment which comes to mind, is in the case of **Mahesh Ramanlal Vakharia V. Municipal corporation of Greater Bombay** reported in 1987 SCC. In this case, the issue involved was the appointment of an Arbitrator under the 1940 Act. The Learned Single Judge had rejected the arbitration agreement on the ground of vagueness. The Division Bench however, through a judgment authored by Late Justice Shah held, in a very practical and lucid view that "What is to be borne in mind in a contract of this nature is that it is a business contract. It is not that the words have to be given the literal meaning, but an effort should be made to find out the intention of the parties. While arriving at the

contract the parties know what they are agreeing to. Normally, the intention is to give effect to every part of the contract and if that is so, the proper way of construing such a term of the contract is to give meaning which would give effect to the contract rather than frustrate it.” The Division Bench further observed that a Court is certainly entitled to and in fact should lean in favour of a construction which would not frustrate the contract and having held so, proceeded to appoint an Arbitrator and refer parties to arbitration.

A similar approach was even applied by Late Justice Shah whilst interpreting statutes as in the case of D.R. Kohli V. Associated Films Industries Pvt. Ltd., reported in 1981 Bom CR, he held that “It is well settled that the meanings given to articles in a fiscal statute must be as people in trade and commerce, conversant with the subject generally treat and understand them in the usual course”.

Late Justice Shah also authored the judgment in **Santu Joti Lamdade v. Damodar Narayan Jamnis**, reported in 1986 MhLJ upholding certain amendments introduced to the provisions of the Bombay Tenancy and Agricultural Lands Act.

Late Justice Shah throughout his legal career was known and admired for his cool and clam temperament.

Apart from the field of law, he had great affinity for all sports in general and also competitively participated in various sports like badminton and tennis in his college days and even during his days at the bar. I am told that the love for sports even continued in old age and he regularly followed cricket and tennis tournaments on television. He was also avid reader and enjoyed reading English and Marathi Literature. Late Justice Shah also donated huge sums towards social causes in western Maharashtra and also to institutes in Jaipur.

One further thing, I must mention is that late Justice Shah’s admirable legacy was continued most remarkably by his son Justice A.P. Shah, a former Judge of this Hon’ble Court who retired as Chief Justice of Delhi High Court.

I personally grieve the passing away of Justice Prakash Shah, not only as a legal professional but also as someone who has a close family affinity with him and his entire family.

In the passing of late Justice Shah, we have truly lost not only a legal luminary but a wonderful human being. I offer my deepest condolences to his family and pray that he may rest in eternal peace.

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ADDRESS OF SHRI ASHUTOSH A. KUMBHAKONI,
ADVOCATE GENERAL OF MAHARASHTRA,
AT THE FULL COURT REFERENCE IN MEMORY OF
LATE SHRI JUSTICE PRAKASH SHIVLAL SHAH,
FORMER JUDGE OF THE BOMBAY HIGH COURT
ON THURSDAY, SEPTEMBER 2, 2021
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Hon'ble the Chief Justice,

Hon'ble Judges of this Court,

Shri. Anil C. Singh, Additional Solicitor General of India,

Shri. Vitthal Konde-Deshmukh, Member and Former Chairman, Bar Council of Maharashtra & Goa,

Shri. Nitin Thakkar, President, Bombay Bar Association,

Shri. Sanjeev Kadam, President of Advocate Association of Western India,

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

Learned Senior Advocates,

Members of the Bar,

Shri. Justice A.P. Shah,

The other bereaved members of the Shah family,

Members of the Registry and the staff,

Ladies and Gentlemen,

I have today, as an exception, borrowed few minutes from other Respected speakers, in order to enable me to exceed, the time of three minutes allotted to me.

My father, who passed away recently, the then practicing lawyer, decided to shift his office to a new location, on my joining our noble profession. This new office, of course of my father not mine, where I started my practice, was inaugurated at the auspicious hands of Hon'ble Justice P.S. Shah.

In fact, my very presence in this August Institution, is the result of the divine encouragement of Hon'ble Justice A.P. Shah, the illustrious son of Hon'ble Justice P.S. Shah and Respected Mrs. Swati Shah, the beloved daughter in law of Hon'ble Justice P.S. Shah, both of whom are present today in this Court Hall.

Accompanied by my father and my grandfather, who was also a practicing lawyer, I have personally often met Hon'ble Justice P.S. Shah. I am resisting temptation to mention instances, relating to my personal interactions with Hon'ble Justice Shah, for the fear that I may not be able to complete my address today, without getting emotional.

Hon'ble Justice Shah truly defined the term "thorough gentleman", "ajat shatru". I never saw Hon'ble Justice Shah upset, much less angry, at any time with anybody, for any reason whatsoever. Like a saint, Hon'ble Justice Shah was always very cool, calm and compassionate. Hon'ble Justice Shah would easily won heart of anybody, who would personally interact with him, even briefly.

By the time I completed my graduation, Hon'ble Justice Shah had already shifted to Bombay, from our native place Solapur. I was not fortunate to personally experience the working of Hon'ble Justice Shah as a Judge in the Court Rooms. However, various law journals are testimony of the mastery, which Hon'ble Justice Shah had, in almost all the branches of law. Let me mention few landmark decisions of Hon'ble Justice Shah, of course briefly. The wide spectrum of statutes covered by Hon'ble Justice Shah, while delivering these judgments is truly inspiring.

The Judgment delivered by Hon'ble Justice Shah in the case of **Madhukar Jambhale** reported in **1987 MhLJ 68** brought about major prison reforms. For the first time, complaint registers, grievance boxes etc. were installed inside prisons, enabling the prisoners to lodge complaints against maladministration in prisons, with various authorities such as Lokayukta. The Judgement directs District Judges, District Magistrates to personally visit prisons, situate within their respective jurisdictions. The Sessions Judges have been directed to nominate lawyers for periodical visits to the prisons and submission of reports in that regard to the concerned courts.

As a result of 'perfect balanced approach' that Hon'ble Justice Shah used to consistently maintain in deciding any matter, Hon'ble Justice Shah used to often shoulder the delicate responsibility of resolving difference of opinion expressed by the two Hon'ble Judges of the Division Benches. As an example, I am citing three such instances relating to three statutes.

In the case related to a Hindi movie titled "**Pati Parmeshwar**". Hon'ble Justice Shah, as a third Hon'ble Judge, dealt with the issue of vires of the guidelines issued for certification of a film, in terms of provisions of Section 5B of Cinematograph Act. In this case, on facts, the controversy arose over the character played by the well-known actress Rekha.

Again, as a third Judge, Hon'ble Justice Shah delivered opinion on 9th April, 1985, accepting the claim for the refund of excess Excise Duty paid under mistake of law, which was opposed by the Revenue, on the basis of the theory of unjust enrichment.

The third one. On 6th February, 1985, while interpreting Section 3 of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers and Drug offenders Act, 1981 (55 of 1981) Hon'ble Justice Shah opined that if the detaining authority is found to have taken into consideration, even a single ground, which is non-existent, the entire order of the detention must fail and that the detenu is entitled to be set at liberty forthwith. This opinion is reported in **1986 Mh.LJ 561.**

In an Appeal, which arose out of the Judgement delivered by a Single Judge, while presiding over the Division Bench, Hon'ble Justice Shah delivered the Judgement on 13th January, 1986, crystalizing the prerequisites for issue of a writ of mandamus. It was further held that sub-section (2) of Section 33 of the Industrial Disputes Act, 1947 does not involve performance of any duties of public nature and that therefore, non-observance thereof, by the employer-company, would not entitle employees to invoke Article 226 of the Constitution of India.

In the case reported in **1987 Mh.LJ 885** Hon'ble Justice Shah by interpreting the provisions of Section 69(2) of the Partnership Act (9 of 1932) held that since the name of the partner, who had signed the plaint and verified it, on behalf of the firm, had not been shown in the Register of Firms, on the date of filing of the suit, the suit filed by the partnership firm, was not maintainable.

Hon'ble Justice Shah also delivered at least two Judgements relating to the disqualification of elected members. One relating to interpreting sub-section 5 of Section 73-A of the Maharashtra Co-operative Societies Act in the case of **Kisan Govindrao Walke** and the other relating to sub-section (2) of Section 28 of the Cantonment Act (in the case of **Narendra Kumar Kakkar**, reported in **1989 MhLJ Page 38**).

Hon'ble Justice Shah upheld the validity of an amendment whereby Section 43D of the Bombay Tenancy and Agricultural Lands Act, 1948 was deleted, by his judgment reported in **1986 Mh.LJ 150**).

Hon'ble Justice Shah not only throughout his career but also entire life observed very high moral values and ethical standards. In the case of (**1987 MhLJ 625**) **Vasant Shankar Mahagaonkar** Hon'ble Justice Shah dealt with the report made under Section 26 of the Bombay Pleader's Act, 1920 by the District Judge, Pune and in view of the facts of that case directed to suspend the concerned lawyer from the practice, for a period of six months.

I am sure, such statutes are far and few, in respect of some or the other aspect of which, Hon'ble Justice Shah has not expressed his view or opinion. Be it, the Bombay City (Inam and Special Tenures) Abolition and Maharashtra Land Revenue Code (Amendment) Act, 1969, Motor Vehicles Act, 1939, Hindu Marriage Act, 1955, the Prevention of Black marketing & maintenance of Essential Commodities Act, 1980, numerous Judgements relating to the Code of both Civil and Criminal Procedure. A truly versatile Hon'ble Judge.

In passing away of Hon'ble Justice Shah, we have lost a thorough gentleman with a golden heart.

I join in the sentiments expressed by My Lord Hon'ble the Chief Justice and express my deepest condolences to the bereaved family, including Respected daughter of Hon'ble Justice Shah, Mrs. Anuradha Gandhi and grandson Advocate Udayan Shah, promising brilliant junior Counsel, practicing in this Hon'ble Court, who are also today here with us.

May his soul rest in peace.

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ADDRESS OF SHRI VITTHAL KONDE-DESHMUKH,
MEMBER AND FORMER CHAIRMAN,
BAR COUNCIL OF MAHARASHTRA & GOA,
AT THE FULL COURT REFERENCE IN MEMORY OF
LATE SHRI JUSTICE PRAKASH SHIVLAL SHAH,
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Shri. Nitin Thakkar, President, Bombay Bar Association,

Shri. Sanjeev Kadam, President of Advocate Association of Western India,

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

Learned Senior Advocates,

Members of the Bar,

Shri. Justice A.P. Shah,

The other bereaved members of Shah family,

Members of the Registry and the staff,

Ladies and Gentlemen,

It is with utmost grief that we have assembled here today to pay homage to late Justice Prakash Shah, former Judge of this Hon'ble Court who left for his heavenly abode on 9th July, 2021 at the age of 95.

I fully endorse the views expressed by the Hon'ble Chief Justice and my colleagues and I beg to add a few words.

Justice Shah was born on 18th October, 1926 in Umadi, Sangli District. His Lordship was educated at State High School, Sangli, D.A.V. Collage, Solapur, Ferguson College, Pune and Law College, Pune. His Lordship enrolled as an Advocate on 22nd March, 1972 in High Court at Bombay. His Lordship handled both civil and criminal matters at District and Sessions Court, Solapur as

Government Pleader and Public Prosecutor in District and Sessions Court, Solapur. His Lordship was the youngest District Government Pleader of Solapur at the age of 31. His Lordship practiced in civil, criminal and constitutional matters as an Advocate in the Bombay High Court. His Lordship was appointed as an Additional Judge of the Bombay High Court on 9th September, 1972 and then as a permanent judge on 1st November, 1973. His Lordship demitted office on 18th October, 1988 on attaining superannuation and thereafter was appointed as the first Lokayukta of Maharashtra State.

Justice Shah was very polite and soft spoken in his approach to everyone. He was very patient with lawyers giving them adequate time and opportunity to complete their arguments. This virtue of patience is what set him apart. He was very friendly and supportive of junior members of the bar and supported the cause of poor sections of the society. His Lordship passed orders against the government during emergency protecting the fundamental rights of citizens. His Lordship was a philanthropist and donated several sums for social causes not only in Maharashtra, but also to trusts in Jaipur. His Lordship commanded respect from the Bar and the Bench. His Lordship had a very keen understanding of the law.

We are deeply saddened by the demise of Justice Shah. I, on behalf of Bar Council of Maharashtra and Goa and on my own behalf, express heartfelt condolences to the bereaved family of Justice Shah, his son Hon'ble Justice Ajit Shah, former Chief Justice of Delhi High Court and former Judge of this Hon'ble Court and pray that the Almighty bestow upon them the strength to cope with the loss. Om Shanti.

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ADDRESS OF SHRI NITIN THAKKAR,
PRESIDENT, BOMBAY BAR ASSOCIATION,
AT THE FULL COURT REFERENCE IN MEMORY OF
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Learned Senior Advocates,

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Shri. Justice A.P. Shah,

The other bereaved members of the Shah family,

Members of the Registry and the staff,

Ladies and Gentlemen,

We lost one of our gentle and brilliant Judge at the ripe age of 95 years last month. We have gathered today to pay homage to his soul.

Justice Prakash Shah was a brilliant, honest and virtuous gentleman, who served the country firstly by actively participating in the freedom movement in 1942 while still at school-he also went underground during that period and later on he did not claim any benefits as freedom fighter. He also served our nation by accepting High Court Judgeship at great sacrifice.

During his young days he was brilliant in his studies. As a law student he was a top ranker in his LL.B. course which he completed from ILS Law College, Pune. His academic brilliance continued in actual practice which he commenced at Solapur. He built up a very large practice in all branches of law- civil and

criminal. This resulted in his appointment as the public prosecutor/Govt Pleader in Solapur District. He was the youngest Advocate appointed on that post in entire Maharashtra.

During his tenure as, Public Prosecutor he conducted several matters but two sensational cases which he conducted as prosecutor reflected his meticulous preparation of presenting evidence and his mastery over Criminal law and Evidence Act.

The first one was the famous case of Madhav Kazi wherein Justice Shah, the then public prosecutor, was responsible for conviction of the accused. This case prompted Acharya Atre to pen a drama which goes by the name "To me Navech"- which has more than 1000 performances to its credit. It is translated in various other regional languages and in Hindi it was performed as " वो मैं नहीं ". Another sensational case known as Modnimb dacoity case which involved local MLA and senior police officials. The trial in this matter went on for about 6 months, however Justice Shah depicted exemplary courage and secured conviction of the accused, not fearing any political or police pressures.

Justice Shah's fearlessness - true to his constitutional oath was at fore - when displaying great courage sitting on division bench with Justice V.S.Deshpande during the dark phase of Indian Democracy, that is, during emergency they rejected the defence of Government of India that the writ of *habeas corpus* for detainees was not available.

As a Judge he was always encouraging junior members of the bar. I had privilege of appearing before Justice Shah during my junior days. I never saw him raising his voice. He was gentle but firm and dealt with each matter on its merits.

I associate myself with the sentiments expressed by my lord the Chief Justice and the previous speakers.

Justice Shah was the perfect example of courage and righteousness which he depicted at the bar as well as on the bench. It is truly our loss to have lost a

legal gem. He inspired several lawyers to inculcate his values and principles while progressing further in their lives and careers.

I think seldom such souls visit earth and are amongst us. Almighty will always have pride of place in his lap and I am sure would grant him eternal peace.

On behalf of Bombay Bar association and myself I extend deepest condolences to Justice Ajit Shah and other family members.

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**ADDRESS OF SHRI SANJEEV P. KADAM, PRESIDENT,
ADVOCATES' ASSOCIATION OF WESTERN INDIA,
AT THE FULL COURT REFERENCE IN MEMORY OF
LATE SHRI JUSTICE PRAKASH SHIVLAL SHAH,
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Learned Senior Advocates,

Members of the Bar,

Shri. Justice A.P. Shah,

The other bereaved members of the Shah family,

Members of the Registry and the staff,

Ladies and Gentlemen,

Today we have assembled to pay homage to a legal luminary who was born in the pre-independence era, on 18/10/1926.

Justice Shah took his school education at Sangli, Degree education in Solapur as well as Fergusson College, Pune as well as Law Degree in Pune. After registering with BCMG on 22/03/1952, Justice Shah initially practiced in the trial court's at Solapur on Civil as well as Criminal side. He also worked as a Public Prosecutor in those days the sensational Modnimb Murder and dacoity trial at Solapur Sessions Court.

He gradually shifted practice on both sides of law on the Appellate side and also for the Government side.

Justice Shah was appointed as an Additional Judge of this Court on 09/09/1972 and then a permanent Judge on 01/11/1973. After a tenure of 15 years as a Judge of this Hon'ble Court, Justice Shah retired on 18/10/1988, but continued his service to the society in different capacities.

He served as the Lokayukta of Maharashtra State from 26/10/1989 to 25/10/1994. He was very active in the education field especially in Solapur district. Justice Shah was a soft spoken, gentle personality with a lot of friends at the Bar as well as throughout Maharashtra. His legacy is continued by our member former Justice Ajit P. Shah, Surel Shah from the present generation.

May he rest in peace.

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ADDRESS OF SHRI KAIWAN KALYANIWALLA,
PRESIDENT, THE BOMBAY INCORPORATED LAW SOCIETY,
AT THE FULL COURT REFERENCE IN MEMORY OF
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The other bereaved members of the Shah family,

Members of the Registry and the staff,

Ladies and Gentlemen,

I address this reference as President of the Bombay Incorporated Law Society on whose behalf, I express condolences on the sad demise of Justice Prakash Shivilal Shah.

I concur with the sentiments of My Lord the Chief Justice, and the feelings that have been expressed by my colleagues at the Bar.

Justice Shah had a long and enviable judicial career. He started his practice in Solapur, predominantly on the criminal side, and served as District Government Pleader and Public Prosecutor. At the Bombay High Court, Justice Shah had a thriving practice on the Appellate Side in Civil and Constitutional

matters before he was elevated as a Judge in 1973. He served as a Judge of our Court for sixteen years and retired in 1988.

Those of us who had the privilege of appearing before Justice Shah remember him as erudite man, soft spoken and with a firm grasp of the law. I had the privilege of appearing before Justice Shah as a junior and held him in the highest regard.

Justice Prakash Shah leaves behind a proud legacy; his son Justice A. P. Shah, distinguished Judge of our High Court who retired as Chief Justice of the Delhi High Court, and his grandson, Udayan who practices as a Counsel on the Original Side.

Our heartfelt condolences to Justice A. P. Shah and Udayan, as well as the members of the deceased's family.

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