

JUSTICE YASHWANT VARMA

ALLAHABAD HIGH COURT
NYAYA MARG, CANTONMENT,
PRAYAGRAJ, UTTAR PRADESH-211017.

To,
The Hon'ble Judges Inquiry Committee
2nd Floor, Western Court Annexe, Janpath

9th April 2026

Respected Members of the Hon'ble Committee,

I address this letter with profound anguish and a heavy heart.

From January 2021 I functioned as a Judge of the Delhi High Court. In 2023, I was allotted government residence at 30 Tughlaq Crescent, New Delhi ("the premises").

During the Holi break of the High Court in 2025, my spouse and I travelled for a short vacation with friends on 12.03.2025. While we were at a remote location with limited mobile connectivity, a fire occurred in a storeroom located within the premises.

Emergency services, including officers from the Delhi Fire Services and Delhi Police, attended the incident. Some of these officials recorded videos (which were released later) showing the discovery of what appeared to be cash/currency at the said storeroom.

I learned about the occurrence of the fire only around 1:10/1:15 a.m. on 15.03.2025, by which time (as emerges from the record), the fire had not only been brought under control, these photos and videos had been recorded. I was not informed about the recording of these photos or videos, nor was I aware of the presence or discovery of such currency/cash. I returned to the premises in the evening of 15.03.2025.

It was on 17.03.2025 that I was made aware of some of these photos/videos and was informed that the matter was under investigation. Shortly thereafter, these videos were published on the website of the Hon'ble Supreme Court of India, and the entire episode was sensationally reported in the media with the clear narrative that the cash belonged to me.

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The undisputed factual position that I have consistently set out from the very beginning is that the storeroom was a detached structure adjacent to the staff quarters, physically separated by boundary walls from the family living quarters and my office. It was accessible from the back gate of the premises, which was not manned by any security. It was regularly used and accessed by domestic staff, maintenance personnel and others for routine chores and for storing ordinary items such as unused furniture, bottles, crockery, mattresses, used carpets, old speakers, garden implements and CPWD material. The storeroom was usually kept unlocked and, even when locked, the key was never in my possession or under my instructions. I myself had visited the storeroom only four or five times in the entire two years of my stay.

A CCTV camera was positioned directly facing the entry to the storeroom, with its live footage streaming to the guardroom and being recorded on equipment completely outside my control. The CRPF guards and my Personal Security Officers reported to persons other than myself, and thus, the entire security apparatus was never under my control. Despite repeated requests, this best evidence that could shed light on the entire incident has been kept away. My attempts at obtaining even a clone or copy of the same has consistently been declined.

Given these facts, and the fact that the incident occurred when I was physically absent from the premises from 12.03.2025 onwards (on a pre-planned vacation) with extremely limited mobile connectivity in a remote forest area, it defies ordinary logic and common sense to suggest that I would have chosen such a location to store "cash".

Despite the above, I suffered the public vilification in silence, remaining hopeful that those tasked by the law and the system to investigate and ascertain the facts would address the issue appropriately and fairly. Regrettably, the proceedings that have followed have been concerned almost exclusively with establishing the bare facts that a storeroom existed in the allotted premises and



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that cash was found there. From these two facts alone, inferences of my culpability appear to have been drawn.

I am at the outset constrained to submit that in my entire judicial career as a Judge of a High Court spanning over 13 years, not once had any allegation of corruption or judicial impropriety been levelled against me. It is pertinent to note that till date, far from the proceedings being based upon even a vestige of evidence of illegal gratification or of judicial functioning being influenced by a corrupt motive, they are not even founded upon an allegation of that nature.

Throughout this sordid episode and in the course of events which unfolded after the incident of fire at the premises, I had repeatedly requested for a judicial audit being conducted in order to ascertain whether the unstated insinuations could be considered even plausible. However, those entreaties too fell on deaf ears.

The present proceedings before this Hon'ble Committee constituted in August 2025 were preceded by an In-House Committee ("IHC") inquiry conducted between 22.03.2025 and 04.05.2025. Unfortunately witnesses who appeared before the IHC were not examined in my presence, nor was I afforded any opportunity to cross-examine them. The IHC submitted its Report dated 04.05.2025.

In subsequent judicial proceedings before the Hon'ble Supreme Court, it was observed that the IHC proceedings were preliminary in nature and their purpose was limited to enabling the Chief Justice of India to form an opinion as to whether judicial work was liable to be withdrawn from the Judge concerned. The IHC Report and the material collected during that inquiry is to be confidential, meant for the eyes of the Chief Justice of India and other high constitutional functionaries such as the Hon'ble President and Prime Minister of India and should have never been made public. Since the report is only preliminary and ad hoc, it should not serve as evidence or be relevant in future proceedings.

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This Hon'ble Committee was constituted in August 2025. In November 2025, I was issued notice to answer to the Articles of Charge framed against me for alleged misbehaviour. It then became evident from the notice itself that the material being relied upon in these proceedings was a subset of what was collected by the IHC during its inquiry. The witnesses cited were drawn from those who had appeared before the IHC, and the IHC Report along with a "Site Inspection Report" containing the personal observations of the IHC members during their visit to the premises, were also relied upon as substantive material.

This course of action was taken despite the Hon'ble Supreme Court's clear observations.

In any event, I had expected that even if any reference was to be made to such material, the relevant witnesses who could speak to the truth of the content of such documents would be produced so that I could cross-examine them on several aspects I wished to challenge.

Moreover, I state that the proceedings initiated against me, whether they be before the IHC or for that matter even the present enquiry, have all proceeded on unstated suggestions, insinuations and imputations requiring me to disprove assumed facts and innumerable presumptions. This has resulted not only in a reversal of the burden of proof as we commonly understand but also in placing upon me the onerous obligation of proving multiple negatives.

The allegations appear to suggest that residents of government bungalows must shoulder an onerous duty of care and thus be aware of and be held responsible for all offending articles/material that may be found or discovered in any corner of such premises irrespective of whether it be within their knowledge or placed there with their consent. The occupier is thus expected to be aware and answerable for anything that may be found in any nook or corner of such premises. The undersigned thus leaves it for posterity to judge whether



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such an obligation can ever be discharged or be justifiably placed upon an occupant of such premises.

Regard may also be had to the fact that from the very inception, the allegations and innuendos have not been founded on even an allegation, let alone any evidence, that the cash/currency which was allegedly discovered on that fateful night of 14/15.03.2025 belonged to me or came to be placed there with my knowledge and consent.

Despite all of the above, I have been subjected to a vilification campaign for over a year based on unfounded allegations which would have never met even the bare threshold known in law on the basis of which a court would have deemed it appropriate to take cognizance in ordinary circumstances.

While I do not even for a moment seek to question the expectation that the conduct of judges be examined against standards higher than those that may apply to others, even that would not justify the adoption of standards which result in a deprivation of a reasonable and fair opportunity to defend or a fair trial itself.

I would further submit that even if strict rules of evidence were assumed to be inapplicable and the Judges Inquiry Act, 1968 interpreted as empowering the committee to formulate its own procedure and set its own standards of proof of misbehaviour, that too would not justify ignoring foundational principles known to be part of our common law, or the charged person being required to disprove allegations and assumptions backed by no evidence and without the prosecution being required to cross even the threshold of a prima facie case of wrongdoing.

What has also caused me great concern in these proceedings is the manner in which the IHC material was handled. Material that could be construed as adverse to me appears to have been taken from the IHC record and relied upon, while material favourable to me, including the statutory Fire Report, which



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contains no mention of any cash or currency and which shows the continued presence of officers at the site up to 1:56 a.m. (far beyond the time taken to douse the fire), was excluded without any explanation and I was not permitted to produce it in cross examination of the related witness. The exclusion of a contemporaneous official record to which the law attaches a strong presumption of authenticity, is difficult to reconcile with the quest for truth that such proceedings demand.

Out of the 54 witnesses who had appeared before the IHC, 27 were dropped without any explanation being furnished. Many of those dropped were witnesses whose testimony was not unfavourable to me, and which would have provided a more complete picture of the events.

These are not ordinary adversarial suit proceedings in which parties bear almost equal burdens. This is an inquiry instituted against a sitting Judge to determine whether he is guilty of misbehaviour warranting removal from constitutional office. In such proceedings, there is a higher duty to pursue the truth by placing all relevant material before the Committee in a fair and balanced manner, rather than turning it into an adversarial contest where favourable evidence is excluded and the Judge, who has limited if any access to material records, is left to fill the gaps.

The recording of evidence in support of the Articles of Charges commenced on 06.02.2026 and concluded on 17.03.2026. During this short period, a consistent and deeply troubling pattern emerged in the handling of witnesses, some of which I seek to highlight:

- a. Relevant witnesses/officials from the Delhi Fire Services were examined first. Through cross-examination, it emerged that the decision not to mention the alleged discovery of cash in any official record was taken by superior officers, viz. Asst. Divisional Officer Suman Kumar and Divisional Officer Rajinder Atwal, by around 12:15 a.m. on 15.03.2025. This by itself would exclude any hint of wrongdoing at my end, since



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admittedly I was not even aware of the fire incident by this time. Immediately after these disclosures were made, both these superior officers, who had been cited as witnesses, were dropped, without any explanation or justifiable reasons.

- b. A parallel course was followed with the Delhi Police witnesses. Cross-examination revealed that senior police officers had decided, by around 12:15 a.m. on 15.03.2025 and at the latest by 1:06 a.m., not to record or seize the alleged cash in accordance with law. As noted above, it is the admitted position that I was unaware of the fire incident by this time. Upon these disclosures surfacing before the Committee, the senior officers cited as witnesses were also dropped without any proper explanation or justifiable reasons being furnished.
- c. In the case of my three Personal Security Officers (PSOs), at the initial stage only one affidavit was supplied to me. Pursuant to the Committee's directions, affidavits were later supplied to me for these witnesses as a group on the evening of 15.03.2026. By this time, the Committee had also summoned the official registers of the PSOs which I had inspected.

I found that the affidavits of these witnesses contained false claims vouching for the presence of PSO Ajit at the premises at the time of the fire incident, and that the official registers contained false entries made by these officers in support of such false claim. Thus, the very next morning, on 16.03.2026, I moved applications seeking production of Ajit's location data and Google takeout records to test the PSOs claims. At the hearing of my applications, the Government Advocates appointed under the Act stated they had "no serious objection" to my prayers but would consider whether they wished to examine the PSOs at all. The very next day, on 17.03.2026, all three PSOs were dropped without assigning any reason whatsoever.



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- d. It thus transpires that of the 31 witnesses originally cited before this Committee, only 9 were ultimately examined. The remaining 22, including persons whose previous statements before the IHC had formed the very foundation of the Articles of Charge, were dropped immediately after cross-examination had exposed weaknesses or contradictions in the case set up against me. No explanation was ever offered for this selective and timely dropping of witnesses.

I am deeply pained that the settled principle that an adverse inference must be drawn against a party that cites witnesses but chooses not to produce them after their potential to undermine its case becomes evident, appears not to have been borne in mind at all.

In any event, the evidence that was actually led falls far short of establishing even a *prima facie* case on any of the three charges. In proceedings of this nature, which seek to determine whether a sitting Judge is guilty of misbehaviour warranting removal, it is incumbent upon those prosecuting the charges to first establish a foundational case through credible evidence. Only then can any burden shift to the Judge to lead defence evidence. Here, that threshold has not been crossed on any charge. The standard of proof, as noted by previous Judges' Inquiry Committees, is akin to a criminal trial – beyond reasonable doubt. An examination of the record as it exists should have led to the proceedings being dropped at this stage rather than requiring me to lead evidence in defence. I make this point *qua* each of the Articles of Charge as follows:

Charge I:

No charge was ever made, and no evidence whatsoever was led, to show that any cash was placed in the storeroom by me or at my instance, or even with my knowledge or consent. The charge as framed rested entirely upon impermissible presumptions and should never have been put to me.



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In any event, it rested upon proof of two elements: (i) discovery of Indian currency in the storeroom, and (ii) that the storeroom formed part of "secured residential premises" under my occupation, control, charge, knowledge and accountability. It is only upon proof of these elements that any inference of my possession or accountability could arise, and only then could the further allegations of failure to disclose or explain the lawful source, and inconsistency with judicial standards, be sustained.

In relation to the first element of this charge, no proof was ever produced that what was discovered by the Delhi Police and Delhi Fire Services Officers in the storeroom at the premises was genuine Indian currency.

In relation to the second element of the charge, during the course of proceedings, the PSOs, who were expected to speak to the overall security arrangements and CCTV coverage at the premises, were dropped without explanation after I highlighted their false claims and sought their location data. No CCTV footage from the premises was produced. The conclusion in the CFSL Extraction Report, that data from the CCTV hard drive could not be accessed, is highly suspect. The DVR itself was never received for forensic examination, as admitted by the CFSL Expert during cross-examination. Yet, the only person who could have explained this aspect, i.e. Varinder Kalra (Secretary of the IHC), was also dropped as a witness.

CRPF officers, bar one, were also dropped without explanation. Thus, the only witness examined on the aspect of the premises being "secure" was CG Rawat, a CRPF officer. He confirmed that security provided by CRPF at the premises was limited exclusively to the main entrance, that the back gate to the premises remained unmanned, that CRPF did not monitor the rest of the premises even with the use of CCTV footage, and that the storeroom was not viewable from the sentry post at the main gate.

Thus, there is no evidence whatsoever that the premises were "secured". On the contrary, the evidence is that the premises were *unsecured* and that the

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storeroom could be accessed from the back gate without being noticed by the CRPF officers on duty.

It is an admitted position that I was absent from the premises from 12.03.2025 onwards.

In the complete absence of any material showing that the premises (or the storeroom) were "secured" under my effective control at the relevant time, no presumption of my possession, knowledge or accountability can possibly arise. Furthermore, the complete absence of any evidence showing when the "cash" was placed in the storeroom or by whom, is itself significant. If the security arrangements at the premises, comprising of CRPF personnel, PSOs, CCTV coverage, was truly sufficient to 'secure' the premises, it would be known to all concerned as to how and when the cash was placed. The fact that no such material is forthcoming, by itself, establishes that the security is more illusory than real.

The charge therefore fails at its very foundation. Proceeding further and calling upon me to disprove ownership or explain the source of cash that has never been linked to me would be wholly unjustified and would amount to an impermissible reversal of the burden of proof.

Charge II:

This charge alleges that, after the fire was extinguished and before lawful inspection or sealing could take place, material objects and surroundings at the scene were altered or removed while the premises were under my control, and that I failed to ensure preservation of evidence and acquiesced in its disturbance.

The evidence led is directly to the contrary and establishes that both the Delhi Fire Services and Delhi Police had independently decided not to report or seize the alleged cash well before I was even informed of the fire incident on

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15.03.2025. No witness has attributed any instruction, interference, tampering or acquiescence to me or to any person acting at my behest. The decisions not to follow statutory procedure were taken by superior officers of the respective departments and communicated to their subordinates at the site. The very officers who could have explained these decisions were dropped immediately after cross-examination exposed this fact. The statutory Fire Report, which contains no mention of cash and reflects the continued presence of officers at the site for a considerable length of time even after the fire was doused, was excluded without any rationale. In these circumstances, there is simply no material to substantiate the allegations of alteration, removal or interference at my instance, and no basis to justify calling upon me to lead evidence to disprove an allegation that the prosecution itself has failed to substantiate even prima facie.

Charge III:

This charge alleges that, when called upon to explain the circumstances, I gave an "evasive explanation" and "denied" the presence of cash, which denial is contradicted by contemporaneous evidence of independent officials and photo/video records.

A plain reading of my written response dated 22.03.2025 shows no denial of the discovery of cash. I stated only that the cash did not belong to me or my family members, that neither I nor my family had any knowledge of its presence, and that no one had reported seeing any cash after the first responders left the premises. That position has remained consistent throughout. No evidence has been led to demonstrate that my knowledge or involvement was different from what I stated. The charge evidently proceeds on a misreading of my letter. Framing a charge of evasiveness or misleading conduct on this basis, without any supporting material, and then expecting me to lead further evidence to defend it, defies logic and fairness.



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A rational and fair inquiry would have recognised the complete absence of a prima facie case and dropped the proceedings at this stage, rather than requiring me to prove multiple negatives and disprove unsubstantiated presumptions. Instead, the Committee has directed me to lead evidence in my defence.

In these circumstances I am constrained to conclude that these proceedings too rest on the bare and undisputed facts that a storeroom existed within the allotted premises and that cash was allegedly found there. If that alone is considered sufficient for a finding of misbehaviour, the entire exercise of leading evidence was unnecessary. The burden of proof has been effectively reversed without any foundational case being made out.

I cannot reconcile this state of affairs with any notion of fairness or due process. I am profoundly disappointed that, despite the solemn nature of these proceedings, which carry the potential consequence of removing a sitting High Court Judge from constitutional office, the Committee did not intervene despite the shocking manner in which the proceedings unfolded. Even after the pattern of selectively dropping witnesses became evident, the Committee took no steps to summon the dropped witnesses or any other relevant persons in order to ascertain the truth. Instead, it proceeded to require me to lead all evidence in my "defence" when no foundational case had been established. This course has left me with no choice but to withdraw.

I have, in parallel, addressed a communication to Her Excellency, the Hon'ble President of India.

In these circumstances, I would be doing myself and the institution the greatest disservice by continuing to participate in the present proceedings, thereby legitimising a process that calls upon me to answer the unanswerable - where did the money come from.




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I therefore withdraw from these proceedings with immediate effect and have instructed my Advocates accordingly.

I withdraw with the deepest sadness, conscious of the gravity of my decision and with the hope that history will one day record the unfairness with which a sitting High Court Judge was treated and that has marked this entire episode from its inception.

Sincerely,

Justice Yashwant Varma