

BOMBAY LAWYERS ASSOCIATION

(Registered under Societies Registration Act)

31, 4th Floor, Onlooker Building, Sir P. M. Road, Fort, Mumbai- 400 001.

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SPEED POST / RPAD

Date: June 2, 2025

To

The Hon'ble Chief Justice of India,

Supreme Court of India,

Tilak Marg,

New Delhi – 110001.

Subject: Application Seeking Sanction to Initiate Criminal Prosecution against Hon'ble Mr. Justice Yashwant Varma, Judge of the Allahabad High Court, under the Prevention of Corruption Act, 1988, in accordance with the K. Veeraswami v. Union of India Judgment (1991).

Hon'ble Chief Justice,

The Applicant is a body registered under the Societies Registration Act, 1860.

The Applicant states that it is established by a group of advocates practicing at Bombay High Court with the primary purpose to undertake activities facilitating improvement in the quality of legal services. The Applicant states that keeping in view its objectives, the Applicant has continued its activities by way of organizing seminars, symposiums, debates, conferences, workshops and other like events for the benefit of the legal fraternity. It also aims to strive for judicial reforms bringing efficiency and transparency in the functioning of Courts by

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involving people outside the confines of the legal profession. It needs to be kept in mind that litigants and other lay persons are active stakeholders in the legal process.

The Applicant is seeking your sanction to initiate criminal prosecution, including the registration of a First Information Report (FIR), against Hon'ble Mr. Justice Yashwant Varma, a sitting Judge of the Allahabad High Court, under the relevant provisions of the Prevention of Corruption Act, 1988, and the Bharatiya Nyaya Sanhita, 2023, in connection with the alleged recovery of unaccounted cash from his official residence. This application is made in compliance with the mandate of the Constitution Bench judgment of the Supreme Court in *K. Veeraswami v. Union of India* (1991 SCR (3) 189), which requires prior sanction with the Chief Justice of India before registering a criminal case against a sitting judge of a High Court or Supreme Court.

Background of the Matter

1. On March 14, 2025, a fire broke out at the official residence of Justice Yashwant Varma, then a sitting Judge of the Delhi High Court, located at 30 Tughlak Road, New Delhi. During the firefighting operation, emergency responders, including the Delhi Police and fire services, reportedly discovered a significant amount of partially burnt and unaccounted cash in a storeroom or outhouse within the premises. Initial reports, though unconfirmed, estimate the amount to be approximately Rs. 15 crore.

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2. The Delhi Police Commissioner shared photographs and a video of the alleged cash with the Chief Justice of the Delhi High Court, Hon'ble Mr. Justice Devendra Kumar Upadhyaya, who, on March 21, 2025, submitted a preliminary inquiry report recommending a deeper probe into the matter due to inconsistencies in the evidence and Justice Varma's statements.

3. On March 22, 2025, the then Chief Justice of India, Hon'ble Mr. Justice Sanjiv Khanna, constituted a three-member in-house inquiry committee comprising Hon'ble Mr. Justice Sheel Nagu (Chief Justice, Punjab & Haryana High Court), Hon'ble Mr. Justice G. S. Sandhawalia (Chief Justice, Himachal Pradesh High Court), and Hon'ble Ms. Justice Anu Sivaraman (Judge, Karnataka High Court) to investigate the allegations. The committee was tasked with examining three key questions: (a) how Justice Varma accounts for the money allegedly found; (b) the source of the money; and (c) who removed it from the premises on March 15, 2025.

4. On May 8, 2025, a press release by the Supreme Court indicated that the in-house inquiry committee's report, along with Justice Varma's response, was forwarded by the then CJI, Hon'ble Mr. Justice Sanjiv Khanna, to the President of India and the Prime Minister, with a recommendation for the initiation of impeachment proceedings against Justice Varma, as he refused to voluntarily resign or retire.

5. The Supreme Court, on May 21, 2025, dismissed a petition seeking the registration of an FIR against Justice Varma, deeming it premature, and directed the petitioners to seek redressal by filing a representation before the

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appropriate authorities. The Court noted that the in-house inquiry report had been forwarded to the President and the Prime Minister for suitable action.

6. Justice Varma was transferred to his parent High Court, the Allahabad High Court, on March 28, 2025, following a recommendation by the Supreme Court Collegium. The Chief Justice of the Allahabad High Court was directed not to assign judicial work to Justice Varma pending the inquiry's outcome.

Legal Framework

7. The Supreme Court in *K. Veeraswami v. Union of India* (1991) held that judges of the High Courts and Supreme Court are “public servants” under the Prevention of Corruption Act, 1988, and are liable for prosecution for offenses such as possession of disproportionate assets. However, to safeguard judicial independence and protect judges from frivolous or biased prosecution, the Court mandated that no criminal case under Section 154 of the Code of Criminal Procedure, 1973 (or equivalent provisions under the Bharatiya Nagarik Suraksha Sanhita, 2023), shall be registered against a sitting judge without prior consultation with the Chief Justice of India. The CJI's opinion is to be given due regard by the Government, and if the CJI deems the case unfit for prosecution, no FIR shall be registered.

8. The *Veeraswami* judgment further clarified that the President of India is the competent authority to grant sanction for prosecution under the Prevention of Corruption Act, but such sanction must be based on the advice of the CJI.

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9. The in-house inquiry procedure, formalized in *C. Ravichandran Iyer v. Justice A.M. Bhattacharjee* (1995), provides an internal mechanism to investigate allegations of judicial misconduct. If the inquiry finds prima facie evidence of criminality, the CJI may recommend prosecution or escalate the matter to Parliament for impeachment under Article 124(4) or Article 218 of the Constitution.

Grounds for Seeking Sanction

10. **Prima Facie Evidence of Cognizable Offense:** The in-house inquiry committee's report, as forwarded by the then CJI to the President and Prime Minister, reportedly confirmed the presence of large amounts of unaccounted cash at Justice Varma's official residence. The recovery of such cash, partially burnt and allegedly removed clandestinely, constitutes a cognizable offense under provisions of the Prevention of Corruption Act, 1988 (e.g., Section 13(1)(e) for possession of disproportionate assets) and the Bharatiya Nyaya Sanhita, 2023.

11. **Public Interest and Judicial Integrity:** The allegations, supported by photographic and video evidence shared by the Delhi Police Commissioner, have raised serious concerns about judicial probity and public trust in the judiciary. The failure to register an FIR, despite the inquiry committee's findings, risks undermining the principle of equality before the law and the credibility of the judicial institution.

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12. Judicial Precedent: The *Veeraswami* judgment permits prosecution of a sitting judge with the CJI's approval if credible evidence of criminal misconduct exists. In 2019, the then CJI, Hon'ble Mr. Justice Ranjan Gogoi, granted permission to the CBI to register an FIR against Justice S.N. Shukla of the Allahabad High Court for alleged corruption, demonstrating that such action is within the CJI's discretion when evidence warrants it.

13. Urgency and Preservation of Evidence: The petitioners in earlier pleas before the Supreme Court raised concerns about the potential destruction of evidence due to the delay in initiating criminal proceedings. The absence of an FIR, seizure of the alleged cash, or a mahazar (panchnama) raises questions about the integrity of the investigation process. Immediate action is necessary to ensure that evidence is preserved and the rule of law is upheld.

14. Locus Standi: The lawyers have a legitimate interest in seeking accountability for judicial misconduct, particularly when such allegations impact the administration of justice. The Applicant's request is made in good faith, supported by evidence from the in-house inquiry and in furtherance of public interest.

Prayers

In view of the foregoing, the Applicant humbly prays that Your Lordship may be pleased to:

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- a) Grant sanction for the registration of a First Information Report (FIR) against Hon'ble Mr. Justice Yashwant Varma under the relevant provisions of the Prevention of Corruption Act, 1988, and the Bharatiya Nyaya Sanhita, 2023, in connection with the alleged recovery of unaccounted cash from his official residence on March 14, 2025.
- b) Direct the appropriate authorities, including the Delhi Police or the Central Bureau of Investigation to preserve all relevant evidence, including the partially burnt currency notes, photographs, and video recordings.
- c) Give a copy of in-house inquiry committee report as forwarded to the Prime Minister and the President to enable the filing of the complaint.
- d) Pass any other order(s) as Your Lordship may deem fit and proper in the interest of justice, judicial accountability, and public trust in the institution of the judiciary.

Submission

The Applicant respectfully submits that the allegations against Justice Varma, as substantiated by the in-house inquiry committee's findings, warrant criminal investigation to uphold the rule of law and ensure accountability. The *Veeraswami* judgment provides a clear mechanism for such prosecution with Your Lordship's approval, balancing judicial independence with the imperative of addressing credible allegations of corruption. The Applicant

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places utmost faith in Your Lordship's wisdom to consider this application in the interest of justice.

Thanking you in anticipation.

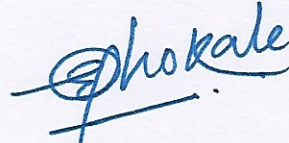
Yours sincerely,



Ahmad M. Abdi

President

Bombay Lawyers Association



Eknath R. Dhokale

Secretary

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