

BY THREE MEMBERS COMMITTEE CONSTITUTED BY
HON'BLE THE CHIEF JUSTICE OF INDIA VIDE ORDER
DATED 22.03.2025 FOR CONDUCTING INQUIRY INTO
THE ALLEGATIONS AGAINST MR. JUSTICE
YASHWANT VARMA, THE THEN SITTING JUDGE OF
HIGH COURT OF DELHI, PRESENTLY JUDGE HIGH
COURT OF ALLAHABAD.

* * * *

Sequence of Events:

A fire which occurred on 14.03.2025, in the store room of the official bungalow, 30 Tughlak Crescent, Tughlak Road New Delhi, of Justice Yashwant Varma a sitting Judge of the Delhi High Court late at night at around 11.35 P.M. has led to the constitution of this Committee by Hon'ble the Chief Justice of India. The fire personnel and the Delhi Police officials had reached the spot on receiving a request for help from the residents of the house and the Private Secretary of the sitting Judge, who himself was not in station at the relevant point of time. Apparently, in the process of dousing the fire, the said fire personnel and Delhi police officials took photographs and videos of the debris in the store room in question in which the fire had broken out and on account of the fact that the currency of high denomination had got affected and burnt, the same were shared with their higher officials.

2. The said information was shared by Commissioner of Police Mr. Sanjay Arora (witness No. 53) with Hon'ble Mr. Justice Devendra Kumar Upadhaya, the Chief Justice of Delhi High Court in the late afternoon of 15th of March, 2025, who was out of station at Lucknow, on account of Holi vacation and he was also informed that a

report (Ex. P-1) had been sent to the Union Home Minister, wherein there was reference that there were four or five half burnt sacks of Indian currency at the spot. Certain still photographs and a video had also been shared with the Chief Justice of Delhi High Court by the Commissioner, of Police. Resultantly, the Chief Justice of Delhi High Court spoke to Justice Varma and also instructed his Registrar-cum-Secretary, Naresh Chand Garg to inspect the site of incident on the evening of 15th March, 2025. Pertinently, Justice Varma reached his residence at around 5.00 P.M. on 15.03.2025 after cutting short his trip to Madhya Pradesh (Satpura Wild Life Sanctuary)

3. The site was accordingly inspected at around 9:10 P.M. on 15.03.2025 in the presence of Justice Varma and his Private Secretary, Rajinder Singh Karki (W-41) who had also been present at the site of incident on 14.03.2025, when the fire was being doused and had remained at the site till the early morning on 15th March, 2025. Mr. Garg in his report dated 15.03.2025 (Ex. C-7) reported that store room was adjacent to the office and that on inspection, it was completely dark and walls had developed cracks and with the help of mobile phone torches had taken a look inside the room which had got blackened due to fire and some half-burnt articles were hanging and other half burnt articles were lying here and there on the floor. The said report submitted to the Chief Justice Delhi High Court was silent as to whether there were any half-burnt currency notes at the spot. Apparently, the Chief Justice, on returning to Delhi, met Hon'ble the Chief Justice of India and resultantly was asked to contact Justice Varma and seek his explanation in detail. The interaction between the

two (Chief Justice of Delhi High Court and Justice Varma) thereafter took place on 17.03.2025 at around 8.30. A.M. at Delhi High Court Guest House where the Chief Justice of Delhi High Court was residing and the explanation given by Justice Varma was that furniture and household articles etc. had been burnt in the fire and the store room is accessible to all the house staff including the staff of CPWD. He was, at that point of time, shown the video and the still photographs which had been shared by the Commissioner of Police with the Chief Justice of Delhi by way of WhatsApp application to apprise him of the incriminating material to which he had set-forth a case of conspiracy against him. The said photographs and videos were also shared with Chief Justice of India on 20.03.2025, by the Chief Justice of Delhi High Court and resultantly, a proposal to transfer Justice Varma was initiated on the positive response of the Chief Justice of Delhi High Court. Accordingly, Justice Varma's response was sought on 20.3.2025 (Ex. P-16), to which he gave his consent on the same date itself (Ex. P-17). The Chief Justice of Delhi High Court had also got information from the Commissioner of Police (Ex. P-4) that the debris consisting of half-burnt articles had been removed from the room in the morning of 15.03.2025. Therefore, he came to the conclusion that the inquiry got conducted by him did not reveal the possibility of entry or access to the room by any person other than those residing in the bungalow and came to the *prima facie* conclusion vide official communication bearing D.O. No. 268/CJS/25 dated 21.3.2025 addressed to Hon'ble the Chief Justice of India that the entire matter warrants a deeper probe. On the same day, a National

News paper "Times of India" Delhi Edition dated 21.03.2025 (Mark-A) published a news item that *"A fire in the house of a Delhi High Court Judge had led to the recovery of cash pile"* and the fact that there was a proposal to transfer the judge in question by the Collegium of the Apex Court and that action should be taken against him.

4. Hon'ble the Chief Justice of India on the same date, i.e., 21.03.2025, asked for the reply of Justice Varma in writing before 12:00 noon of 22.03.2025, through the Chief Justice of Delhi High Court and also specifically asked that he provide the following information:

- i) *How does he account for the presence of money/cash in the room located in the premises?*
- ii) *Explain the source of money/cash which was found in the said room;*
- iii) *Who is the person who had removed the burnt money/cash from the room in the morning of March 15, 2025?*

5. Apart from that, the details of the official staff attached to Justice Varma, in the High Court Registry, the personal security officers and security guards was called for, apart from the fact that a request letter was forwarded summoning for call record details of the officials and other officials of the last six months. Justice Varma was also requested not to dispose of his mobile phones or delete or modify any conversation messages or data and the reply submitted was to be furnished immediately along with the comments of the Chief Justice of Delhi High Court.

6. Resultantly, the Chief Justice of Delhi High Court asked for Justice Varma's explanation in writing on 21.03.2025, vide a DO letter No. 269/CJS/2025 (Ex. P-18) in which all the facts as narrated above had been put to him and the incident being very disturbing, Justice Varma was asked to give his response within the timeline which had been fixed by Hon'ble the Chief Justice of India. He was also accordingly told not to dispose of his mobile phone or delete or modify the communications.

Stand of Justice Varma at the outset:

7. Justice Varma in his response dated 22.3.2025 (Ex. P-15) addressed to the Chief Justice of Delhi High Court replied that the store room was utilized by all and sundry and was being used to store articles or unused furniture, bottles, crockery, mattresses, used carpets, old speakers garden implements as well as CPWD material and the room was unlocked and accessible from, both from front gate, as well as the back gate of the staff quarters. It was his specific case that the store room was disconnected from the main residence and was not a room in his house. He further mentioned the fact that he was not present in Delhi and only his daughter and aged mother were at home and the fire service was alerted by his daughter and his Private Secretary. His further categorical stand was that the staff and members of his house hold were asked to move away from the scene of incident in view of safety concerns and when the fire was doused, they had gone back to the scene of the incident and saw no cash or currency at the site. He had accordingly taken the plea that there was no cash placed by him or any of his family members and denied that it

belonged to him. He had stated that none would keep cash in an open and freely accessible store room near the staff quarters or in the outhouse. The store room was stated to be completely disassociated from his living area and a boundary wall demarcated his living area from the store room/outhouse. The plea, as such was taken that the Chief Justice of Delhi High Court in his communication apprised him of an information of an incident of "arson" at his residence and he had expressed shock as he was under the belief that it was merely a fire caused by short-circuit. In the explanation given, he mentioned the fact that there had been a request for the principal Private Secretary to visit the site in question to which he readily agreed and the same had been done and neither any currency had been found nor any cash seemed to be present on the site and the gutted room remained in the same state till that date.

8. Justice Varma in his explanation also mentioned the factum of meeting the Chief Justice of Delhi High Court on 17.03.2025 before the commencement of the Court and that he had expressed his apprehension of a conspiracy to frame him at that point of time on being shown the video of the fire site and also had given the reference of an earlier attempt of unfounded allegations being made against him and circulated in the social media in December, 2024. The stand, thus, was that neither he nor his family members stored cash or kept currency in the store room and all cash withdrawals were all well documented and no one from his house ever reported seeing any currency in burnt form in the room. It is further his stand that there was no cash or currency which they had seen when

the site was restored to them after the fire personnel and Police had left the scene and had there been any recovery, seizure would have been made from the spot. Reference was also made to the statement of Chief of the Fire Service made which had come in the news report regarding this context. Resultantly, the plea taken was that an explanation was being asked for the allegations being leveled against him or his family members to account for the cash and that the reporting as such had been done without any inquiry being held and he had been wrongly indicted.

9. While referring to the video clip which had been shared with him, it was mentioned that no cash had been recovered or seized and it was doubtful whether the video was taken at the time of incident at the site while highlighting that none of his staff were shown any remnants of cash or currency that may have been present at the site. His own inquiry had revealed that there was no removal of currency from the premises and the only thing which had been cleared was debris which was considered salvageable. The same was stated to be still present in the house and kept in one part of the residence. The sacks of half burnt currency not having been shown to his daughter, Private Secretary or house hold staff was asserted and when the said persons had accessed the store room, they had not seen the incriminating material. Stress again had been made that the said store room was used as general dumping room for disused and other sundry articles and there was no occasion for currency being kept in the corner of the house which was freely accessible also from the back wicket gate and the fact that currency was not recovered from the

premises which they actually occupied and used by the family since the store room was removed from the living quarters.

10. The reputation built over the decade as the Judge of a High Court was highlighted that there was no such allegation ever made in the past and never any doubt had been cast on his integrity and that an inquiry should be made with respect to his functioning as a Judge and the perception of the legal fraternity regarding his discharging of judicial functions. Resultantly, while replying to the three pertinent queries put by Hon'ble the Chief Justice of India, to which the answer was to be given, the stand taken was that he was never aware of any money or cash lying in the outhouse and neither his family members had any knowledge of cash and neither it had any bearing on him or his family and no such currency was shown to his family members or staff who were present on the said night. Resultantly, the question of explaining the source of money did not arise and also that there was no question of removal of currency as neither the family members or staff had been shown or handed over the sacks of burnt currency and none of his staff had removed any cash or currency in any form and question of removal was not known to them. It was also highlighted that he had only returned along with his wife from Bhopal in the evening of 15.03.2025.

Non-acceptance of the said stand and need for deeper probe:

11. The said explanation was thereafter forwarded by the Chief Justice of Delhi High Court to Hon'ble the Chief Justice of India vide D.O letter No. 270/CJS/2025 on 22.03.2025 who further also informed that the necessary request letter had been made to the

Commissioner of Police dated 22.03.2025 (Ex.P-11) for obtaining call details records and IPDR of Justice Varma Mobile phone number 9792675888 for the last six months and they having been received and forwarded in a pen-drive. The IPDR would be furnished as soon as received from the CP/Mobile service provider. Necessary details of security staff posted with Justice Varma had been made out to the Deputy Commissioner of Police and would be submitted once they were received. The fact that Justice Varma was asked not to dispose of his mobile and delete any of his conversation had been also been conveyed to him.

12. The Registrar, Supreme Court of India Devender Pal Walia on the instructions of Hon'ble the Chief Justice of India addressed communication on 22.03.2025 (Ex.P-12) to Mr. Sanjay Arora, Commissioner of Police (W-53) seeking details of the police officials of the Delhi police who had visited the residence of Justice Varma on the intervening night of 14/15.03.2025 and also the names and designations of the officers and officials of the Delhi Fire Service. The copy of the photographs and videos available with the Delhi Police along with the certificate under Section 63 of the *Bhartiya Sakshya Adhiniyam, 2023* was also asked for.

Constitution of the Committee and seizure of phones:

13. Simultaneously, keeping in view the reports dated 21.03.2025 and 22.03.2025 and response of Justice Varma, Hon'ble the Chief Justice India was of the view that a deeper probe under para-3 of the In-house procedure was required to be made and accordingly the undersigned Committee was constituted on 22.03.2025, and the

Chief Justice Delhi High Court was informed that judicial work should not be assigned to Justice Varma for the time being.

14. A press release was also issued by the Supreme Court on the said date, i.e. 22.03.2025, wherein apart from mentioning the names of the Committee Members and that factum that the judicial work was not to be given to Justice Varma, the report submitted by the Chief Justice of Delhi High Court and response of Justice Varma and the photographs were put in public domain. While addressing necessary communication to the Chairman and the members of the Committee, the relevant documents and the pen-drives containing necessary material was forwarded firstly by way of soft copies and later by hand copies and pen drives.

15. The police officials in the meantime furnished a report dated 22.03.2025 (Ex.P-10) through the Additional Deputy Commissioner of Police Shri Sumit Kumar Jha (W-51), which was duly forwarded through the Deputy Commissioner of Police and OSD to the Commissioner of Police to the Registrar Supreme Court of India on 22.03.2025, (Ex.P-13), which had been prepared and forwarded on the same date, by the Station House Officer P.S. Tughlak Road, New Delhi (Ex. P-5).

16. On 23.03.2025 vide (Ex. P-14) Commissioner of Police was requested by the Registrar Supreme Court of India, Mr. Walia that the custody of the mobile phones of all the officials who had visited the house of Justice Varma on the intervening night of 14/15.03.2025 should be taken and the said phones should be sealed by a senior officer under the stamp and signature and sent to the Supreme Court

of India by the evening. The costs of the phones were to be paid by the Registrar of the Court and if not further required could be returned after the forensic examination. Similar communication dated 23.03.2025 (Ex. P-2) was also addressed to the Director, Fire Service, Shri Atul Garg (W-22) before seizing the phones of fire officials who had visited the spot. Accordingly, ten phones as such of the officials were seized and forwarded to Mr. Walia under the signature of Chief Fire officer Varinder Singh, on the same date (Ex. P-3) itself.

17. This In-house Committee was thus constituted by the order of Hon'ble the Chief Justice of India dated 23.02.2025 for conducting an inquiry into the allegations against Justice Yashwant Varma, the then Sitting Judge of High Court of Delhi and presently sitting Judge of Allahabad High Court.

18. The basic issues as such which were sought to be addressed and which had been asked from Justice Varma and his explanation dated 22.03.2025 having not found favour on these three issues which had been put to him which have already been reproduced in para-No.4 above and for providing the information on the same, a supplementary report dated 22.03.2025 having been received from Chief Justice of Delhi High Court.

Procedure adopted by the Committee and the details of hearings conducted:

19. The In-house Committee was required to conduct an enquiry in terms of the In-house Procedure adopted by the Supreme Court of India on 15.12.1999. The nature of the inquiry was to be fact finding without being formal judicial inquiry involving examination and cross examination of witnesses or representation by lawyers in

view of the law laid down in *Additional District Judge vs. Registrar General High Court of Madhya Pradesh*, (2015) 4 SCC 91. The Committee was extended liberty to devise its own procedure, which it resolved in the following manner: -

- i) To follow the principle of natural justice by calling witnesses and recording their statements including that of Justice Yashwant Varma relating to the fire incident which occurred on the night intervening between 14/15.3.2025 at Bungalow No. 30 Tughlak Crescent, New Delhi.
- ii) Justice Yashwant Varma was to be shared with all the incriminating material, including the statements of all the witnesses recorded during the enquiry.
- iii) Carry out physical spot inspection at Bungalow No. 30 Tughlak Crescent, New Delhi, which was accordingly carried out on the first day and spot inspection report was prepared and videography was done and made part of the record to have graphic knowledge of the location of the store in question.
- iv) To obtain call details of all the service providers of all the phones of other staff members associated with Justice Yashwant Varma (seized as per the directions of the Chief Justice of India) and thereafter to send them for forensic examination to the CFSL at Chandigarh, an independent agency, situated outside the jurisdiction of Delhi.
- v) It was further resolved that after all the statements had been recorded and the reports are received from the experts and CFSL and whatever incriminating evidence and documents have come on record, the same would be put to Justice Varma in compliance of principles of natural justice.
- vi) The committee also resolved that video recording of all the statements of the witnesses would also be undertaken and preserved in order to ensure that the veracity of the

same throughout could not be challenged at a subsequent point of time and also for confirmation whether such statements were in sum and substance recorded correctly.

20. The Committee held its meetings at the Haryana State Guest House Chanakyapuri on 25.03.2025, 26.03.2025, 27.03.2025, 28.03.2025, 02.04.2025, 03.04.2025, 04.03.2025, 07.04.2025, (by way of physical mode) 17.04.2025 and 27.04.2025 (by way of hybrid mode) as Justice Anu Sivaraman joined by way of video conferencing, respectively during which statements of 55 witnesses including that of Justice Varma were recorded.

21. Accordingly, a decision was taken to inspect the premises on the first day of hearing i.e. 25.03.2025 which was accordingly done and the videos were duly recorded under the supervision of the Secretary of the Committee which are collectively Exhibited as **Ex.V2**. The Committee then decided on 26.03.2025 to order sealing of the store room and directed the police authorities to do the needful which was also done under the supervision of the Secretary of the Committee which aspect has also come on record in the statement of W-52 Devesh Kumar Mahla, Deputy Commissioner of Police, Delhi, who had proceeded to the site to comply with the said direction.

22. The witnesses were accordingly examined department wise with the first 11 witnesses being from the Delhi fire services; and thereafter officials were also examined at the subsequent point of time including Divisional Officer and Director, Delhi Fire Services being witnesses No. 21 and 22. The officials from the police department were examined as witnesses No. 12 to 20 whereas the top brass of the police was examined as witnesses No. 50 to 53. Three PSOs attached

to Justice Varma, were examined as witnesses No. 23 to 25 whereas the static guards of the CRPF were examined as witnesses No. 26 to 30.

23. The domestic and Court staff attached with Justice Varma were examined as witnesses No. 31 to 49. Eventually the daughter of Justice Varma was examined as witness No. 54 as she was the sole family member (apart from ailing and old mother of Justice Yashwant Varma) present at home during the fire incident and Justice Varma was examined as witness No.55 in three separate sittings. During the course of said proceedings all the incriminating material was supplied to Justice Varma on 07.04.2025, 17.04.2025 and 27.04.2025.

DETAILS OF OFFICERS/OFFICIALS OF DELHI FIRE SERVICES EXAMINED:-

Witness No.	Name & details of witness	Date of examination
W-1	Navneet Kharab, Fire Officer-35/66, Delhi Fire Services	25.03.2025
W-2	Birender Singh, Fireman, Delhi Fire Services	25.03.2025
W-3	Ankit Sehwal, Fire Officer, 32/66, Delhi Fire Services	25.03.2025
W-4	Prakash Chand Meena, Leading Fireman, Delhi Fire Services	25.03.2025
W-5	Pradeep Kumar, Fire Officer, Delhi Fire Services.	25.03.2025
W-6	Manoj Mehlawat, Station Officer, Delhi Fire Services	25.03.2025
W-7	Pawan Kumar, Fire Officer, Delhi Fire Services 431/65	25.03.2025
W-8	Bhanwar Singh, Driver, 48/61 Delhi Fire Services	26.03.2025
W-9	Pravindra Malik, Fire Officer, 27/66, Delhi Fire Services	26.03.2025
W-10	Suman Kumar, Assistant Divisional Officer, Delhi Fire Services	26.03.2025
W-11	Virender Singh, Chief Fire Officer, Delhi Fire Services	26.03.2025
W-21	Rajinder Atwal, Divisional Officer, Central Division, Delhi Fire Services, New Delhi.	27.03.2025
W-22	Atul Garg, Director, Delhi Fire Services, Delhi	27.03.2025

DETAILS OF DELHI POLICE OFFICERS/OFFICIALS EXAMINED

Witness No.	Name & details of witness	Date of examination
W-12	Chaman, Police Constable, Police Station TughlakRoad, Delhi	26.03.2025
W-13	Head Constable Rajesh Kumar, Police Station TughlakRoad, Delhi	26.03.2025
W-14	Head Constable Rishi Kesh, Police Station TughlakRoad, Delhi	26.03.2025
W-15	Head Constable Sunil Kumar, Incharge, ICPCR Van V-41, New Delhi	26.03.2025
W-16	Head Constable Gograj, Driver, PCRVAN V-22, New Delhi.	26.03.2025
W-17	Head Constable Roop Chand, PIS No. 28011195, New Delhi.	26.03.2025
W-18	Arjun Gari, SI, Incharge PCR Van V-22, New Delhi.	27.03.2025
W-19	SI Rajneesh Kumar, P.S.Tughlak Road, New Delhi.	27.03.2025
W-20	Umesh Malik, SHO, P.S.Tughlak Road, New Delhi.	27.03.2025
W-23	Head Constable Ajit Delhi Police.	27.03.2025
W-24	Sub Inspector Jaivir Singh, PSO at the residence of Justice Yashwant Varma	27.03.2025
W-50	Virendra Jain, Assistant Commissioner of Police, New Delhi	04.04.2025
W-51	Sumit Kumar Jha, Addl. Deputy Commissioner of Police, New Delhi.	04.04.2025
W-52	Devesh Kumar Mahla, Deputy Commissioner of Police, New Delhi.	04.04.2025
W-53	Sanjay Arora, Commissioner of Police, New Delhi.	04.04.2025

DETAILS OF CRPF OFFICERS/OFFICIALS EXAMINED:-

Witness No.	Name & details of witness	Date of examination
W-25	Shashi Kumar, Head Constable, Security posted at the residence of Justice Yashwant Varma	27.03.2025
W-26	Ranjit Kumar Jamatia, ASI, CRPF, posted at the residence of Justice Yashwant Varma	28.03.2025
W-27	Dilip Manjhi, Constable, CRPF, posted at the residence of Justice Yashwant Varma	28.03.2025
W-28	Sunil Kumar, Constable, CRPF.	28.03.2025
W-29	Sanjay Kumar, Head Constable, CRPF	28.03.2025
W-30	CG Rawat, ASI, CRPF,	28.03.2025

DETAILS OF STAFF POSTED AT THE RESIDENCE AND ALSO ATTACHED IN COURT WITH MR. JUSTICE YASHWANT VARMA:-

Witness No.	Name & details of witness	Date of examination
W-31	Girja Devi Sharma wife of Hanuman Prashad Sharma, residing at the residence	02.04.2025

	of Justice Yashwant Varma	
W-32	Hanuman Prashad Sharma, CA (Co-terminus, posted at the residence of Justice Yashwant Varma	02.04.2025
W-33	Ravi Prakash Chauffeur, posted at the residence of Justice Yashwant Varma	02.04.2025
W-34	Babloo Nishad, CA, Co-terminus, posted at the residence of Justice Yashwant Varma	02.04.2025
W-35	Mohammad Rahil, CA, Co-terminus, posted at the residence of Justice Yashwant Varma	02.04.2025
W-36	Mangal Kol, Peon, Posted at the residence of Justice Yashwant Varma at Allahabad	02.04.2025
W-37	Joginder Singh, Court Attendant,	02.04.2025
W-38	Deepak, Safaisewak, posted at the residence of Justice Yashwant Varma	02.04.2025
W-40	Sohit, Safaiwala, posted at the residence of Justice Yashwant Varma	03.04.2025
W-41	Rajinder Singh Karki, Assistant Registrar cum Private Secretary to Justice Yashwant Varma	03.04.2025
W-44	Jyoti, Loader, Delhi High Court.	03.04.2025
W-45	Anuj, Loader, Delhi High Court.	03.04.2025
W-46	Suraj Yadav, Attendant, posted at the residence of Justice Yashwant Varma	04.04.2025
W-47	Geeta Devi, servant, working at the residence of Justice Yashwant Varma	04.04.2025
W-48	Gagandeep Singh, Chauffer driver, posted at the residence of Justice Yashwant Varma	04.04.2025
W-49	Kamlesh Kumar, Assistant Registrar, Delhi High Court attached to Justice Varma.	04.04.2025

24. After concluding the process of recording of statement of 55 witnesses from 26.03.2025 to 27.04.2025, this Committee proceeded to prepare its report.

25. Taking cue from the three issues framed vide letter of Hon'ble the Chief Justice of India dated 22.03.2025 qua which Justice Yashwant Varma had been asked to respond, this Committee for convenience framed the following substantive issues:-

- i) *How does he (Mr. Justice Yashwant Varma) account for the presence of money/cash in the room (store room) located in his premises 30 Tughlak Crescent, New Delhi?*
- ii) *Explain the source of money/cash which was found in the said room (store room)*

- iii) *Who is the person who had removed the burnt money/cash from the room (store room) in the morning of March, 15, 2025.*

26. The aforesaid first issue is foundational to the controversy and thus the answer to the said issue will decide the fate of issues No. (ii) and (iii). For further convenience, this Committee frames the following sub issues arising out of the aforesaid issue No. (i):-

- a) Whether cash was present in the store room?*
- b) Whether the store room is located in or outside the premises (30 Tughlak Crescent, New Delhi)*
- c) What is the justification of Mr. Justice Yashwant Varma as regards presence of cash in the store room.*

Sub Issue (a) (presence of cash in store room) proved by Eye Witnesses:-

27. In regard to this sub issue, statements of various witnesses were recorded. The ten eye witnesses who have stated before this Committee about presence of cash in the store room are as follows along with the relevant extract of their statements:-

Witness No.3 namely Ankit Sehwal, Fire Officer, 32/66 Delhi Fire Services, Delhi, dated 25.03.2025:-

"After receiving the information from Pradeep Kumar FO-520/65 and Parvindra Malik FO27/66 (personnel of WB-22) that there were currency notes which had caught fire inside the store room, I personally checked by peeping inside the room with the help of torch and found that large number currency notes of denomination of Rs. 500/- were half burnt. Because of water spray, the burnt currency notes had become wet and had also been singed by fire. But from whatever was left of the unburnt notes, it was visible that they were of Rs. 500/- denomination. When asked as to whether he made any panchnama report, the witness

informs that this is the job of Manoj Mehlawat, Station Officer. The said Pradeep Kumar and Parvindra Malik had further told me that they had informed about the currency inside the store room having caught fire to their Incharge Station Officer Manoj Mehlawat."

Witness No.5 Pradeep Kumar, Fire Officer, Delhi Fire Services, dated 25.03.2025:-

"While dousing the fire, we were standing outside the store room and pointing the jet of the water inside the store room, but without entering the store room. When I could enter the store room, I felt something touch my feet. On close scrutiny, I found that there was something which appeared like currency notes which became visible because of reflection. I immediately informed Prakash Chand Meena who was standing immediately outside the store room. Sh. Prakash Chand Meena thereafter informed Manoj Mehlawat. Thereafter, Manoj Mehlawat came with a rechargeable torch and came inside the store room. Thereafter, on the instruction of Manoj Mehlawat, I pulled down certain burning debris on the ledge."

Witness No. 6 Manoj Mehlawat, Station Officer, Delhi Fire Services, dated 25.03.2025:-

"I did take two photographs of the store room where the fire had erupted. I was told by Parkash Chand Meena LFM 16/62 that there were currency notes in the room which had caught fire which I also saw at that point of time. The notes which were visible at the site were of Rs. 500/- denomination and were singed by fire and also got wet in the process of dousing. The embers were still burning on the shelf and, therefore, we pulled them down by instructing Pradeep Kumar to do the needful and to spread out the debris to reduce the heat. I cannot tell for sure whether the fire occurred by short circuit, though there was no electric heater in the room. The currency notes were being pulled down from the shelf and had fallen during the process. The witness identifies the site in question where the fire incident had taken place when shown the video sent to the Committee by the office of Hon'ble the

Chief Justice of India. The witness admits that it is his voice, whereby he is saying that "Mahatma Gandhi mein aag lag rahi hai bhai". Witness denies that video has been made by him, though he admits that he had taken two still photographs, but the video had been sent to him."

Witness No.8 Bhanwar Singh, Driver, 48/61, Delhi Fire Services, dated 26.03.2025:-

"As I entered, I noticed that on the right hand side and in front, there was large pile of cash only of Rs. 500/- denomination lying on the floor. I am not sure whether any such notes of Rs. 500/- denomination were there on the ledge or not. I was shocked and surprised such large amount of cash which was strewn on the floor which I saw for the first time in my life. Pradeep Kumar and Parvindra Malik were also working inside the store room where I was also present. They were busy dousing the embers. The witness was shown the video accompanied with the letter from the office of Hon'ble the Chief Justice of India which is marked as exhibit 'V1'. The witness after having seen and heard the video, states that the same is of the inside of the store room which was on fire at Bungalow No. 30, Tuglaq Crescent, Tuglaq Road and the fire official who is working has been identified as Pradeep Kumar FO 520/65 present in the video wearing helmet and dousing the fire. I do not know who was making the video, but I can identify the voice of Manoj Mehlawat uttering the words "Mahatma Gandhi mein aag lag rahi hai bhai"."

xx xx xx

"The video of the spot inspection carried out by the Committee on the morning of 25.03.2025 on being shown to the witness, he states that the state of the debris lying on the floor at the time the fire fighters entered the store room to douse the fire is different from the nature and state of the debris which is visible in the video recorded by the Committee on 25.03.2025, especially, broken ledge (part of a ledge) which was

lying on the floor. The witness states that he has not seen such an incident of fire fighting in his service career of 20 years where half burnt cash in such huge quantity was found at the scene of the fire."

Witness No.9 Pravindra Malik, Fire Officer, 27/66, Delhi Fire Services, dated 26.03.2025:-

"After the smoke was reduced to some extent, the visibility was restored inside the store room, I saw that there were stacks of half burnt currency notes on the ground. I found half burnt currency notes lying on the right side inside the store room. The currency notes were of 500 denomination and it appeared to have been kept in plastic bags which were almost burnt completely. The stock pile of half burnt currency notes of denomination of 500 were seen by me, Pradeep, Fire Operator, Manoj Mehlawat, and Ankit. My remaining colleagues of the fire station were standing outside the store room. All of my colleagues of the fire station who were available on the spot saw pile of half burnt notes inside the store room, including the police personnel. The entire exercise of arriving at the scene of the fire and dousing of the same took around one hour."

xx xx xx

"I have been shown Ext. V-1 the video clip sent to the Committee by the office of the Chief Justice of India, I cannot tell as to who is making the video. My colleague Pradeep who is clearly visible is dousing the embers in the store. While dousing due to clinking of the liquor bottles on the left side, the fire intensity increased on the right side of the store also and while dousing the right side, the stacked material on the right side got wet and fell down and there were also currency notes visible on the floor next to Pradeep."

Witness No.10, Suman Kumar, Assistant Divisional Officer, Delhi Fire Services, dated 26.03.2025:-

"I located the senior most officer Manoj Mehlawat, Station officer and he told me that the fire had been extinguished and I was also told that the

currency notes had caught fire. On coming to know the fact I asked to show me the said fact and I was taken to the entrance of the store and at that point of time two fire fighters were holding on to the hose and dousing the fire inside the store from the entrance of the store itself through the main gate. Due to the pressure of the water hose, the half burnt currency notes on the floor of the store were being thrown out. Thereafter I came out and rang up my superior Rajinder Atwal (Divisional officer). I do not remember his number since it is stored in my telephone number 9718289900. My phone has been seized by the Chief Fire Officer Varinder Singh on 23.03.2025 (Sunday). I informed my Divisional Officer that in the fire incident, there were currency notes of 500 denomination which had been affected by fire which I had seen with the help of a torch light provided by the Station Officer Manoj Mehlawat. The said notes were smoldering and were in a heap and due to the water pressure and were flaking up and there was some difficulty in seeing them on account of the smoke in the room. I did not identify the cause of the fire as our job is more related to dousing of the fire and preventing casualty. I was a little bewildered on seeing the incident and my senior officer had informed me that since high ups are involved you should not further take any action. He however, told me to get in touch with some responsible official attached with the resident of the house and inform him accordingly. Resultantly, I got in touch with Mr. Rajinder Singh Karki, Private Secretary who was present at the site. The verification was made from him but he stated that the fire was in stationery and in domestic items only. I did not contradict him regarding this aspect. The incident was witnessed by one and all that were present at the site."

Witness No. 13 Rajesh Kumar HC No. 523/ND PIS NO. 28094422 Police Station Tughlak Road New Delhi, dated 26.03.2025:-

"At a later point of time when the fire was being cooled off and the burning embers were spread I saw with my own eyes that there were remnants of

burnt currency of 500 denomination and they were lying spread all over the floor of the store room. At that point of time I did not take any other photographs and therefore, I could not send the same to my Superior officer ASI Tej Pal. There were other people taking the videos and seeing the site in question. I have been shown videos Ext. V-1 in which the fire fighters were working and it is the same place where I visited on the intervening night of 14th and 15 March, 2025 along with constable Chaman. The visibility of the notes was easier with the help of torch."

Witness No. 15 H.C. Sunil Kumar No. 2191/PCR (PIS No. 28092876) Incharge ICPCR Van V-41 New Delhi, dated 26.03.2025:-

"Then I peeped inside the store and I saw the currency on the floor which were partly burnt and some fully burnt. The fireman outside was with the torch with the help of which I could see that there were currency notes. I made a call to my superior SI Mahesh from my number 9810489098 to inform him about the said development of burning of currency notes while going on the side who stated that he was already pre-occupied in a suicide case and could not come to the location. The first call which I made at 23:55:08 was to find out the telephone number of my superior SI Mahesh. The witness is not sure as to from which person he got the number of his superior SI Mahesh in order to clarify as to how he made two calls at that point of time while deployed at the place of incident. I made three videos of the fire incident which I forwarded to SI Mahesh. My phone has been seized on 23.3.2025 (Sunday) by my superior officer due to the inquiry proceedings. There were other people also making the videos of fire in order to see the currency which had caught fire. The video which I have been shown **Ext. V-1** is a video which has not been shot from my phone. The site and location which is visible in the video in question is the same site of the incident where the fire took place at 30 Tuglak Crescent."

**Witness No. 17 Head Constable Roop Chand, PIS
No. 28011195, New Delhi, dated 26.03.2025:-**

"Thereafter, when the fire was brought under control it then transpired from the employees of the fire brigade when they were locating the embers within the burnt articles that notes of Rs. 500/- denomination in burnt condition were present from the door till the back of the store which were visible by way of the torch light of the Fire Department. When they were removing the embers, the denomination was in the form of pack. When the embers were being cleared from the ledge, the bundles of notes were coming which were mixed with other items. But on the floor the notes which were half burnt and affected by fire were apparently visible. The fire personnel were using their mobile phone also for illuminating the area and I do not know the phones were being used to record the incident. The SHO was also standing next to me and asked me to also record the said incident in my phone which I duly did. I recorded some still photographs and some videos on my phone No. 70151105127. My phone has been seized by the higher officials around two to three days back."

**Witness No.20 Umesh Malik, S.H.O. Police Station
Tughlak Road, Delhi, dated 27.03.2025:-**

"When the flame was doused with the help of the light from torches of the fire fighters I saw that half burnt currency notes of denomination of Rs. 500/- were lying intact and on right side of the store room. There were also some burnt notes stacked on the ledge on the right side of the store house which on being pulled down by the fire fighters dropped on the floor. The stack of half burnt currency lying on the floor was about 1 ½ feet height. The stack of half burnt currency notes on the ledge on right hand side was also of one and half feet high. The witness also informed that the currency notes were on the floor from the door of the store house to the opposite wall at the end. The witness informs that there was extreme heat in the room. Since there was extreme heat created by the fire, he did not enter in the store house. Except the fire fighters nobody entered in the store room. However, with

the help of the light of torch he noticed about the large bundle's of cash lying on the floor as well as the ledge of the denomination of Rs. 500. Some notes were tied in bundles while the other possibly because of pressure of water were opened up and lying on the ground. I was inside the bungalow No. 30 Tuglak Crescent about 30 minutes. I did not inquire about the cause of fire since that lies within the domain of fire fighters. After noticing half burnt stack of notes on the floor and ledge of the store I directed my subordinate HC Roop Chand to take photographs and video of inside the store room. Roop Chand thereafter took still photos as well as videos from his mobile. I was carrying both the mobiles one bearing 9811266987 and other 88750870524. While I was inside the bungalow 30 Tuglak Crescent I do not clearly remember as to whether I used aforesaid two number to make or to receive any call. Before I left the premises I was informed by Mr. Karki again in the presence of Suman Kumar, ADO of Fire Department that Justice Varma still could not be contacted as yet. For what reasons Mr. Karki could not get in touch with Justice Varma was not informed by Mr. Karki to me. Once the fire had been extinguished and the fire fighters were winding up Mr. Karki told me that since the fire has now been extinguished you may go and I told Mr. Karki that please take care of the place of scene of fire."

28. From the evidence that has come on record as regards the sub issue of presence of cash in the store room, especially, the statements of eye witnesses No. 3, 5, 6, 8, 9, 10, 13, 15, 17 & 20, which have been extracted above, it is obvious that each of the eye witnesses has stated that they had seen half burnt piles of cash inside the store room which was situated within the premises of 30 Tughlak Crescent, New Delhi in occupancy of Mr. Justice Yashwant Varma. In support of this direct evidence, electronic evidence in the shape of video recordings and still photographs which have been duly

authenticated by certificates issued by the Central Forensic Sciences Laboratory, Chandigarh are also available on record.

Electronic Evidence:

29. The video made by witness No.17 Head Constable Roop Chand of Delhi Police on instructions of his superior S.H.O. Umesh Malik, Witness No.20, which is of 67 seconds (Ex.V1) has not been disputed ever by Justice Varma. The similar video approximately of the same period was also taken by Head Constable Sunil Kumar W-15 from his phone which is of 70 seconds (Ex.V28). The phones of said officials had been seized on the directions issued by the office of Chief Justice of India as per the instructions and have been got analyzed by us having been sent to the Central Forensic Sciences Laboratory, Chandigarh and are per se admissible in view of the provisions of 329 of the **Bharatiya Nagarik Suraksha Sanhita (BNSS)**. The said videos have been shown to the independent eye witnesses including the fire/police personnel who were at the spot who have vouched for the same. The witness No.6 Manoj Mehlawat, the Station Officer of Delhi Fire Services had also admitted that it is his voice in the abovesaid video Ex.V1 wherein he is heard saying "*Mahatama Gandhi me aag lag rahi hai bhai*" which has also been reproduced above. The above reference is thus to the currency notes of Rs.500/- denomination having got affected in the fire since the image of Mahatama Gandhi figures on Rs.500/- currency note. At the end of the video **Ex.V1**, there is an audio reference to a person calling out the name of 'Rahil' the house staff employee and since the video being shot is at the entrance of the store room, Mr. Karki, has admitted

in his examination that it might be his voice. Similarly when it was put to Rahil (Witness No.35) that his name is being called out, he admitted that it was Mr. Karki calling out to him. It is thus apparent that both Mr. Karki and Rahil were present in front of the store room and were eye witnesses to the factum of currency having been burnt and present in the store room and their explanation as such that they were kept away from the entrance of the store room by the fire personnel cannot be accepted. Rahil (W-35) has also, while being confronted with Ex.V1, admitted that the store room is the same place where the fire incident took place and there are huge stacks which caught fire. His statement reads as under:-

"The witness has been shown the video clip Ext. V-1 in the end of which his (Rahil's) name has been called out. He explains that it is Mr. Karki calling out his name. Second time being asked he submits that the store in the video is the same where the fire incident took place. He also admits that there are huge stacks which have caught fire. He admits that the photograph of Mahatama Gandhi is engraved on Rs.500/- denomination notes. He did not make any video of the store from the entrance."

30. Therefore, his explanation as such that when he had gone inside the store room to assess the damage along with Justice Varma's daughter Ms. Diya Varma, they had not seen any semi or fully burnt currency notes inside the store room is not liable to be accepted without a pinch of salt. It has already come on record that though he was only engaged three years back, he was the "Major Domo" (chief steward) and Incharge of all the servants since any information or access to the house had to be done by contacting him, which would be clear from the statement of Mr. R.S.Karki, Private Secretary also.

Reasons for domestic staff to depose to contrary:

31. It has also come on record that most of the domestic staff of Justice Varma hails from Allahabad (U.P.) and one of them namely Mangal Kol, Witness No.36, though not stationed in Delhi, but looking after the house at Civil Lines, Allahabad and has been working with Justice Varma since the year 2012. A perusal of his statement would also go to show that oldest staff is Hanuman Parshad, Witness No. 32, who belongs to a village situated around 30-32 kilometers from Allahabad and is working with Justice Varma since he was a practicing lawyer. It is also come on record in the statement of Witness No.36 Mangal Kol that Mohammad Rahil is the relative of Mohammad Allaudin who is his Jija and an employee of Allahabad High Court and also visits to the private residence of Justice Varma at Allahabad at Civil Lines.

32. Thus, from the above evidence, it would be clear that the domestic staff has obviously not supported the version of any currency being present and affected at the time of fire incident for obvious reasons, whereas, there is independent corroboration from other official witnesses who were not closely associated with Justice Varma. Therefore, the reliance upon the statements of house staff by Justice Varma would be of no avail to him and there is no valid reason as such to disbelieve the statements of the independent witnesses who have no axe to grind, especially keeping in view the fact that they are not known to Justice Varma in any manner and had come to the house for the first time while exercising their duties.

33. The eye witnesses who have disclosed about the presence of cash in the store room were neither related to Justice Yashwant Varma nor were obliged to him in any manner and therefore, are independent witnesses being employees of the Delhi Fire Services as well as of Delhi Police. Rather the statement of Justice Yashwant Varma himself, recorded on 07.04.2025, would go on to show that the house staff deployed with him, as noticed earlier are basically outsourced from his home State, Uttar Pradesh, and are trusted and old staff members and he has categorically deposed that the servants are with them for long and most of them are staying with them for considerable time and are trusted one's while taking the plea that the store room could be left open on account of the trust in the staff. Thus the said staff cannot be expected to depose against the voice of their Master and the Committee has to fall back on the statements of independent witnesses who are not connected in any manner with Justice Varma.

Presence of the Private Secretary throughout the night:

34. The factum of Private Secretary Mr. Rajinder Singh Karki having been instructed by Justice Varma to stay at night at the residence is also a matter of record which would be clear from his statement also though justified on account of the fact that the daughter was in a state of panic. Thus, his presence till early morning on 15.03.2025 at the residence of Justice Varma is fully established. Being the senior most employee at the site, he had detailed conversation with Justice Varma at 1.23 A.M. on 15.03.2025 which would be clear from his call details (Ex.C6) for 230 seconds which

has been received from Justice Varma's phone No. 9292675888. It is also come on record that though he had been asked to stay back at the residence, but no instructions were given to him that he could leave in the morning. Other calls made by WhatsApp communication are not available being encrypted by the application provider. It has been admitted by the witnesses, namely, Rajinder Singh Karki and Diya Varma that there has been communication by WhatsApp mode and therefore, the calls as such are also not depicted in C-6 which is the call record of Mr. Rajinder Singh Karki. Similarly, the other Private Secretary, W-49 Kamlesh Kumar, also admitted that the communication with Justice Varma while making the change as such of return programme was also by WhatsApp communication and also stated that calls inter se were usually made by WhatsApp mode and rarely by normal mode. R.S.Karki's explanation as such that he came to know about the burnt currency in the house for the first time after six to seven days after the fire incident does not inspire confidence as it is his categorical deposition that he had not seen the burnt currency notes though shown in the video (Ex.V1) which had been confronted to him. The witness has also categorically denied that he has instructed any fireman not to mention in their report about the burning of currency notes in the fire and also denied the fact when confronted with the statement of W-30 CG Rawat, ASI, that he and Rahil were busy in supervising the cleaning up job after the fire wagons had left. He has further given his explanation regarding his voice in the video Ex.V1 by calling out the name of Rahil that he was not present at the spot but was standing at the distance in the back yard of the bungalow

on the deck. However, from the said video and audio, it is apparent that he was very much present in the front of the store room when the videos were being shot by the fireman and the police personnel and the same calling out of the name of Rahil is also reflected in Video (Ex. V-28 of 70 seconds) taken by Head Constable Sunil Kumar (Witness No.15).

35. The statement of Sandeep Kumar Sharma, Deputy Registrar, Delhi High Court (W-39) would go on show that he had been informed by Mr. Karki at 11.30 PM regarding the fire and had contacted Rajinder Atwal, DFO (W-21) at Delhi regarding the incident of fire. He had also reached the spot, but as per his deposition, had not gone close to the store room, but it has come on record that he had been rung up by Mr. Karki in the morning on 15.03.2025 at 07:54:54 hrs that no assistance was required from his end as Justice Yashwant Varma was out of station and as and when required Mr. Karki would get in touch with him. It has also come on record that he met Mr. Sandeep Sharma (W-39) on 15.03.2025 in the evening in the area of R.K. Puram (Nanakpura) where both of them reside and apparently, it was for the first time such a meeting had taken place outside the High Court premises. When confronted with Ex. V-1, he did not confirm the said voice of Mr. Karki calling out for Rahil, but stated that it could be his voice. It is, thus, apparent that apparently Mr. Karki has more to explain regarding his conduct as regarding his meeting with the said Deputy Registrar who was Incharge of the P&P Branch, Delhi High Court. More so, when he has denied in his deposition that he was not sure whether he met Sandeep Sharma (W-39) on the 15/16.03.2025

evening and admitted that he had met him regarding the incident of fire, but denied that any instructions were given to him to be conveyed to Mr. Sharma but admitted that it was for the first time that he had tea with Mr. Sharma outside the High Court.

36. Mr. Karki also stated that the inspection took place by the PPS to the Chief Justice on 16.03.2025 and thereafter sought to clarify that it was on 15.03.2025 after having also stated that on 15.03.2025 after meeting Mr. Sharma, he had stayed at home and not gone anywhere as he had household work to do, which is in contradiction to the fact that he was present at the site of the store room since it has already come on record that the store room was inspected on 15.03.2025 evening at 9.00 PM by Naresh Chander Garg, Registrar-cum-Secretary to the Chief Justice of the Delhi High Court. These contradictions from Mr. Karki's statement are, thus, being highlighted to show that his presence at the house, as such, continued throughout the night admittedly and, therefore, his explanation that he was not in any way connected with the cleaning up of the debris from the fire in the store area stands contradicted by the CRPF guards W-28 Sunil Kumar and W-30 C.G. Rawat, who stated to the contrary. The reproduction reads as under:

"W-28....Before change of duty I had closed the main gate and thereafter no other person had entered the bungalow during my duty. When I proceeded to the barrack, I noticed that the house staff both in the form of male and female, including Mohd. Rahil was present who was supervising the team had gathered around the store and processing of cleaning was on. I am not sure whether the daughter of the Hon'ble Judge was there as I do not recognize her. I am not sure whether there

was any other relative of Hon'ble Judge due to the fact I had just been posted there on 12.3.2025. My next shift was at 6:00 a.m on 15.03.2025 and I noticed that the jaffery and bamboos installed on the boundary was had also got affected and the water tank next to the store had melted to some extent. I did not notice any cleaning by the staff at that point of time...".

xxx xxx xxx xxx

"W-30.....Mr. Karki did not leave the house between 12.00 to 3.00 A.M. during my period of duty. When I went back at 3.00 P.M. two three persons were still carrying on work and removing the debris but there was no immediate family member. Both Mohd. Rahil and R.S.Karki were engaged in the task of supervising of clearing the debris."

Thus, the explanation that Mr. Karki had retreated to the front of the house and gone to sleep in the front verandah till his departure at around 7.30 AM on 15.03.2025 cannot be accepted.

Discussion on recording of Electronic Evidence:

37. The statement of Head Constable Sunil Kumar (W-15) is already reproduced earlier and the fact of making three videos of the fire incident and forwarding the same to his superior SI Mahesh has already been reproduced above. This fact of making three videos is verified by the report of the Experts Ex.V26 to V-28 which goes on to show that there were three videos taken by him of 11 seconds, 22 seconds and 70 seconds. At that point he denied that Ex. V1 was not the video shot from his phone and correctly so since the said video was actually shot by HC Roop Chand W-17 which was done on the instructions of SHO.

38. Similarly, the still photograph of the door of the store room is also proved to be clicked by Roop Chand which is Ex. V-3

and who had also clicked the photograph Ex. V-4 in which the fireman is shown standing by the side of heap of ashes inside the store room. Similarly, Ex.V-11 to Ex.V-13 still photographs clicked by Manoj Mehlawat Witness No. 6 which had been retrieved from his phone as per report No. 766 dated 07.04.2025 (Ex. C-9) showed the back portion of the store room. V-14 to V-25 are more still images captured by HC Roop Chand on his phone a Samsung device as per the report of the CFSL dated 17.04.2025 Ex. C-9. The capture time had been duly depicted in the said report alongwith the tower location which is 28:5958/77:21029 which is the tower location of all the witnesses who were present at the spot and engaged in the fire fighting operation at the approximate time. There is no plausible reason as such to take a contrary view to doubt the presence of the said witnesses. Exs.V-29 to V-34 have been proved to be photographs taken by HC Sunil Kumar (W-15) from his camera as per the report No. 785 of the CFSL dated 16.04.2025 Ex. C-10 and similar is video Ex. V-35 of 24 seconds which was extracted from the phone of the ADO Suman Kumar (W-10) which had been also seized. Still photograph Exs. V-36 to V-51 and the three videos which are similar to the ones as discussed above were depicted in M-11 the phone of SHO Umesh Malik (W-20) and similar material was also derived from M-21 by the CFSL which was the phone of witness Gograj W-16 Driver of the PCR.

Conduct of Ms. Diya Varma:

39. The said electronic evidence has been duly proved by sending it to the CFSL and, thus, establishes beyond the anvil of doubt

the presence of fire and the police personnel at the spot and videos and the still photographs having been shot from their mobile phones and from the same the witness including the daughter of Justice Yashwant Varma had admitted that the video clip would go on to show the fireman in the store room of the house and there was a burnt currency visible. There was a lame explanation given by her that the said room could be any other room at a different location and the witness has also refused to identify the voice of Rajender Singh Karki in Ex. V-1 which goes on to show that she is hiding the said fact since Karki himself had admitted that it is his voice. The said witness No. 54 being the daughter of the Justice Yashwant Varma also deposed in her statement recorded on 07.04.2025 that she had come to know the news of the half-burnt cash found in the store room on 15.03.2025 when the PPS to the Chief Justice of the Delhi High Court had visited the bungalow. The said admission was sought to be retracted by addressing a communication to the Committee on 12.04.2025 by way of an e-mail. The said deposition was then duly checked from the video recording being conducted by the Committee and since the said fact had been duly recorded at the first instance when the statement had been recorded, the Committee had rejected the said request in the proceedings conducted on 17.04.2025. From the demeanor of the witness, we noticed that she is a confident young woman, having been subjected to hostel life throughout her education apart from being an independent working woman. This belies her statement that she was totally overwhelmed and panicked by the incidents of the fateful night, which led to her giving an allegedly wrong statement and later

seeking to retract it. No doubt, it has come on record that she did make phone calls to the concerned fire station which also had been brought on record by screen shots (Ex. D-8) and at one stage had also sought to inform the fire personnel that the fire had been brought under control and that they need not come. The conduct of the said witness is, but natural keeping in view the fact that there was an alarm raised by the domestic staff late at night and since the smoke had already started pouring out of the store room and it would be her natural reaction to call for help.

Reference of Spot Inspection:

40. It is also a matter of record that the spot inspection was carried out by the Committee on 25.03.2025 and video (V-2) was prepared of four minutes fifty-two seconds. The said video was also put to witness No.8 Bhanwar Singh, driver of Fire Services, whose part statement is already reproduced above. The said witness also identified that the video prepared by the Committee is of the same place where the fire occurred where he had reached at the intervening night of 14/15.03.2025. As mentioned above, he has also stated that state of debris lying on the floor at that time and when the fireman entered the store room is different in nature which is visible in the video and which fact was also noticed by the members of the Committee and recorded in the Inspection Report dated 25.03.2025. The sealing of the store room was ordered accordingly on 26.03.2025, which further goes on to show that cleaning process was done at the site in question in the wee hours of 15.03.2025. At that point of time, after the fire personnel and police had left at around 1.00 A.M. apart

from the house staff and Mr. Rajinder Singh Karki, and the security personnel and the daughter, mother and relatives of Justice Varma, there was no other person inside the house. Thus, a necessary inference is to be drawn that cleaning exercise was got conducted under the supervision of Mr. Karki, the Personal Secretary, who admittedly had got in touch with Justice Varma in the wee hours of the morning of 15.03.2025 and talked for as long as 230 seconds as it is clear from his deposition being witness No.41, apart from talking by using WhatsApp Application.

Stand of Justice Varma before the Committee:

41. Justice Varma, in his explanation before us, has relied upon the fact that the entrance of the store room was constantly monitored by CCTV cameras and was under control of security personnel and it was highly improbable that the cash was kept in the store room. While referring to CFSL report dated 27.4.2025 bearing No. 797 Ex.C-11 he has submitted that the Hard Disc of the said cameras have been found not to be accessible and submitted that it was not his fault that the cameras were not working. He has also questioned the manner in which the CCTV hardware was retrieved. However, there is nothing on record why the data was lost on account of the fact that the CCTV camera was sealed since the Committee had called for the said Hardware. Therefore, he pointed out that his defence has been lost and whether the said hardware has been properly sealed has been questioned. The said argument as such is noticed only to be rejected in the manner since even as per his defence and the documents exhibited by him, the still camera installed on the

gym wall is clear from D-4 and it has come in the statements of various witnesses that it is covering the entrance of the store room. The incident has taken place on 14th night and sealing of DVRs of the CCTV cameras had only been ordered by this Committee on 25.03.2025 by addressing a letter to the Registrar General of Delhi High Court. The said exercise has been done after the Committee had carried out site inspection on 25.03.2025 and noticed presence of such CCTV camera at the spot as has been depicted in D-4. It was always open to Justice Varma as such to have got the data preserved, analyzed and scrutinized before this Committee had ordered the sealing, in case he had any plausible defence to further his conspiracy theory that the bags of currency were planted by someone else and area was accessible to one and all, not being part of the living area of the residential house. Thus, for a period of over ten days, the data was there to be preserved and could have been relied upon by him and help could have been taken to scrutinize the same to depict before this Committee that the store room was kept open and was open at the time of the fire incident and that he was not in station and not responsible for any material stored in the store room. Even otherwise, detailed discussion will be taken under the sub-issue-(b) on this aspect.

42. While referring to table -C which is summarization of the electronic evidence, which the Committee had fallen upon and supplied to Justice Varma, an attempt has been made to dispel it by way of sequence of events and the timing since the videos have been shot in close proximity of 11 minutes. The said sequence of events

rather proves beyond the shadow of doubt the presence of the currency in the store room which got affected by fire. The reference to Ext. V-35, is video shot taken of 24 seconds from the telephone M-1 of Suman Kumar, the Assistant Divisional Officer W-10 of the Fire Department as per report 785 dated 16.04.2025 Ext. C-10 which had been seized, whose statement has already been reproduced above and who had already rang up his superior officer informing him of the said incriminating material and who had been told by Rajinder Singh Karki that the fire was only of domestic items. The said senior officer has also identified the voice of Manoj Mehlawat (W-6) in the video Ext. V-1 uttering the words "*Mahatama Gandhi me aag lag rahi hai bhai*" and also admitted that he made video of the incident in question on his phone which has now been seized. A perusal of the said video V-35 would go on to show that the same which was shot at 23:59:52 on 14.3.2025 is a scene of the fire which has already been doused heavily by the fire department as the sound of water dripping from the roof on to the entrance of the store room is apparent and its presence also on the floor of the store room. The person making the video is using the help of a torch and starting to film it from the left side of the store room and going under the shelf of the store from left to right. The door frame of the store of both sides is also visible at the end of the video and the currency which got affected by the combined effect of water and fire is distinctly visible. As per table-C Justice Varma has submitted that there is no cash or other items visible in V-35 which is factually incorrect in view of the above discussion. In V-13 the photographs taken at the same point of time shows a fireman standing

at the entrance of the store with a torch in his hand and also making video, the debris as such at that point of time is stored at the back side of the store and there is also an unidentified man standing on the right side of the store wearing a check shirt.

43. Similarly, V-26 which is taken is a video of 11 seconds taken at 00:00:28 on 15.3.2025, which would mean that it was 36 seconds later, was available in M-16 which is a video made by witness No. 15, HC Sunil Kumar from his phone. The said video again pans from left to right which shows burnt speakers on the left hand side and one pile of currency next to the door on the right hand side and there is another heap of currency in front of the store door at the back under the shelf of the store room. One of the service personnel is heard saying "*note hi note hain dekho dikh rahe hai*" which are sought to be objected that the same were not visible in the video shot earlier at Ex. V-35.

44. Similarly, reference has been made to Ex. V-27 a video of 22 seconds shot at 00:00:48 which is shot 20 seconds later from the earlier video Ex. V-26 and the objection taken is that there are currency notes at the entry in the form of mound and it has been objected that if they were not visible in the first video in V-35, then how they have become visible in the 3rd video and the number of heaps has increased. The audio of the said video would go on to show that one of the personnel is talking to his superior officer in vernacular and saying "*Saare burnt ho gaye sahib*". The reference has also been made to the video of 40 seconds which was extracted from M-13 and was shot by Head Constable Roop Chand (W-17) on the instructions of his

superior SHO at 00:01:07 on 15.3.2025 which is 19 seconds after V-27. The viewing of the same would go on to show that the video was being shot by the said gentleman while he was carrying the phone in his hand outside the store initially and has an audio recording apparently while he is talking to the CRPF security personnel who were present at the site whose presence was sought to be discounted by the house staff that they had never come to the site to help out which is contrary to their stand as to two of them specifically namely, Sanjay Kumar and CG Rawat witnesses No. 29 and 30 have stated that they broke open the lock with the help of a log. The said official is asking whether they are posted there and they had replied in the positive that they are Guard of CRPF security. The video also pans on to the wicket gate opening on the back lawn in the front of the store and around ten people are standing in front of the store room and some time it is showing the floor of the area outside the store room and eventually focuses on to the inside of the store and a heap of currency is lying on the right side of the store. At the end of the video one of the fire personnel is heard asking the fireman Pradeep witness No. 5 to douse the embers on the shelf on the right side next to the entrance of the store.

45. If one is to examine the statement of Pradeep W-5 which has been reproduced above it would go on to show that he was instructed by Manoj Mehlawat W-6 who was holding the re-chargeable torch in his hand and asking his colleagues to pull down the burning debris from the shelf. Similarly the statement of witness No. 6 Manoj Mehlawat which has been reproduced above would go

on to show that the embers were still burning on the shelf and instructions had been given to Pradeep to spread the fire affected items. The apparent change of what was visible in the first instance on the floor in the videos and the increase as such of the debris/currency on the floor is thus on account of the fact that the fire personnel in order to cool the embers after they had doused the fire had pulled of the burning material from the shelf to spread it out which has also come forth in the videos shot subsequently which are of 67 seconds (V-1) and 70 seconds (V-28) by the police personal HC Roop Chand and Sunil Kumar. Therefore, the argument which has been raised that the presence of currency at subsequent point of time would not have been possible, keeping in view the videos which had been shot in such a short span of time to question the veracity, is untenable and rather self defeating since a large number of service personnel were present at the site and within the said period as such nobody could have come and put forth the currency notes in the store after the fire had been extinguished and therefore, the said alleged conspiracy theory on this account cannot be accepted.

46. Similarly, reference can be made to the video shot at 00:01:41 hrs on 15.03.2025 which is 34 seconds after the video discussed above and which is of 67 seconds and was captured from M-13 shot by Roop Chand again Ex. V-1 and an identical one V-28 shot by W-15 Sunil Kumar of 70 seconds which has come to be proved by the report of the FSL dated 17.04.2025 Ex. C-9 having been taken from a Samsung device. Similarly, as per the report No. 785 of the FSL dated 16.04.2025 Ex. C-10 the video (V-28) had been taken

from a camera model 2412DPCOAi. The said videos show the presence of W-5 Pradeep Kumar clearing out the store room again and Justice Varma has relied upon the same also to show that various household items i.e. clothing, household linen, appliances were lying in the store and a plastic bag is seen dropping from the shelf/slab to the floor in the same area where the mound of cash is seen close to the entry of the room. The said video depicts W-5, the Fire Officer, Pradeep Kumar working as per the instructions given by his senior, Manoj Mehlawat, Station Officer, clearing the debris from the shelf and the said video also goes on to show that two videos are being recorded at the same time as another mobile phone is seen being used in front of the lens which apparently was at that point of time being recorded by Sunil Kumar and the audio of both the videos is also identical and the difference of duration is only of 3 seconds. Apart from the visibility of currency notes, there is debris being pulled out and also the tinkling of glass items in the debris.

Reason for non-seizure or making of Panchnama:

47. There is no dispute regarding this aspect that there were other household articles which had been kept in the store room which is the consistent stand of the household staff and immediate family members. The presence of liquor cabinet located close to the switch box is also a matter of record which has been noticed by the Committee in its spot inspection and it is common knowledge that liquor is a highly volatile liquid and the bottles having been affected by the fire would have ignited and broken by the heat which are part of the debris being cleared and leading to the tinkling sound and there

is no inconsistency as such in the sequence of videos recorded. Thus, apart from the currency bags which got affected, the other household items had also been affected, though in the fire report Ex. P-6, the fire officials have chosen to show that there was fire in the stationery and domestic articles in the store room which was sought to be highlighted. The higher police officials have also sought to explain before us the reasons as such why they chose not to initiate any investigation or lodge an FIR on account of the sensitivity of the issue and lack of information of any crime scene and the absence of Justice Varma in his residence being out of station and legal position as such regarding lodging of FIR against a sitting Judge. The ambit of the Committee is not to find fault with the action or inaction of the fire personnel or the police personnel as discussed above and, therefore, it would not be appropriate for us to comment upon the manner in which the fire personnel or the police personnel have gone about concluding the proceedings without preparing a proper Panchnama or seizure memo depicting the correct situation at the spot which can only be termed as slip shod. Therefore, the argument of Justice Varma that the verification of the quantity of the cash had not been properly done by the officials and it has rather been done by the police officials who had prepared the reports and were not present at the spot and while referring to P-1 and P-1/A has tried to punch holes which have not to be answered by the Committee and the same would not take him a long way in view of the issues to be addressed. The stand of Justice Varma is clear that there was no cash present in the store room and it is not his case that he had kept some amount of cash and was

vouching for the same and the addition has been made by some person who had planted the said amount and since it is his case that it was a conspiracy and, therefore, the quantification of the volume of the currency is of no consequence since it has come from the statements of the witnesses and from the video recordings that there was reasonably large amount of volume of currency in the store room which got affected by the fire and clearly visible which aspect Justice Varma has failed to explain either in his initial statement or before the Committee, though having been given reasonable opportunity. Reliance upon the still photographs Exs. V-21 and V-23 to V-25 shot at 00:03:21 hours up to 00:03:33 hours on 15.03.2025 are of no assistance also to Justice Yashwant Varma as first Ex. V-21 would go on to show two police personnel and one unidentified bespectacled gentleman standing in front of the store and similarly Ex. V-23 would show that damage at the rear side of the store being assessed and whereas Exs. V-24 and V-25 would go on to show the overhead water tank of the CRPF personnel at the back of the store which admittedly also sprung a leak on account of the fire in the close vicinity has already come in the statement of the witnesses.

48. This Committee thus has no hesitation in holding that in the backdrop of direct as well as electronic evidence of unimpeachable character further corroborated by the evidence of the experts, the sub issue of presence of cash in the store room situated within 30 Tughlak Crescent, New Delhi is established.

Sub issue (b) "Whether the store room is located in or outside the premises of 30 Tughlak Crescent, New Delhi":

49. It is not disputed by any witness including Justice Yashwant Varma that the store room in which the fire incident took place on the night intervening 14/15.03.2025 is situated within the premises of 30 Tughlak Crescent, New Delhi, which is occupied by Justice Yashwant Varma. However, what has been stated by Justice Varma, his daughter Diya Varma (Witness No.54) and various other witnesses, who were members of the staff residing within the premises, is that the store room, where the fire broke out, is not part of the residential portion of the Bungalow where Justice Varma and his family members reside. These witnesses have stated that the store room is not adjacent to any of the rooms of the Bungalow occupied for residence but is a little away from the main portion of the Bungalow and closer to the CRPF barracks and staff quarters. It is also stated that the access to the store room is from the side of the Bungalow which can be approached without entering the residential portion of the Bungalow.

50. What has further come on record in shape of statements of witnesses No. 31, 32, 34, 35, 40, 46 and 47 is that the store room was occasionally locked and the key to the lock was accessible to all the residents of 30 Tughlak Crescent, New Delhi including the security staff and the personal staff of Justice Yashwant Varma. These witnesses are members of the personal staff and one personal security officer attached to Justice Varma. In this manner, it is contended by Justice Varma that since all and sundry had access to the store room, anyone could have planted cash in the store room, assuming that cash

was found in the store room. Justice Varma has also stated that the key to the liquor cup board inside the store room was in his exclusive possession. Justice Varma has further disclosed that the store room contained unused carpets, crockery items, some furniture and the liquor cabinet. Justice Varma has also disclosed that during the period of his occupation of 30 Tughlak Crescent, New Delhi for about one and half years, he must have visited the store room four to five times.

51. However, witness No. 23 Ajeet Singh HC PSO, witness No. 25 Shashi Kumar HC PSO, witnesses No. 28, 29 and 30 CRPF personnel, witnesses No. 33 and 48, two chauffeurs attached to Justice Varma witness No. 38 Deepak, the cleaner, have clearly stated that they have seen the door to the store room always locked and padlocked. These persons had to frequently pass right next to the store room to go to the barracks/washroom and the servants quarters situated right behind the store. Further, most of the members of the personal staff who stated that the store room was not habitually locked also stated that they had never been inside the store and it was Rahil, Babloo or Hanuman who went into the store to get things, if required. It is also stated that there is a CCTV camera pointing at the door of the store with the visuals in the guardroom.

52. At the time of the site inspection conducted on 25.03.2025, this Committee had noticed that there was an inbuilt lock on the door panels of the store and the latch portion of the said lock was still jutting out from one of the door panels. This is evident from Ex.V-3 still photograph as well. W29 and W30 two CRPF personnel had clearly stated that the door of the store room was locked at the

time of the fire and that they had assisted in breaking open the lock. It is therefore, evident that the door was kept locked and secured at the relevant time especially since Justice Varma and his wife were out of station on a Holiday.

53. In the backdrop of aforesaid statements and the evidence that has come on record, it cannot be denied that the store room is a part of the premises of the official residence and that access to the store room may be available to the occupants of 30 Tughlak Crescent, New Delhi only, but the overall control and the permission to have access to the store room was undeniably with Justice Varma or his family members. The proposition that was put forth by Justice Yashwant Varma in his last appearance on 27.04.2025 was that there was a security lapse as such in his absence and even prior to that the store room had been targeted and the currency had been planted since there was an access from the back gate next to the staff quarters while referring to various photographs Ex. D-7 to show that the gate opened in a rarely used service lane at the back and the keys were also with the security personnel in the guard room. He had also made reference to the fact that he was not in the knowledge of the fact that the cameras were not working and never had been informed as such by the security personnel and it is his case as such that there was a camera at the wall of the staff quarters covering point D of site plan Ex. D-1 which was not in working condition and it was the responsibility of the High Court as such to ensure the same and therefore it has led to the breach of security. The documents which have been furnished to us and the photographs would not show

whether there was any camera covering the gate at point D and the only CCTV camera which is shown is depicted in photograph D-4 which is on the wall of the gym opposite the water cooler installed at point J in Ex. D1 covering the store door. The statements of the personal security officers of Justice Yashwant Varma namely W-23 to W-25 would rather go on to show that there was strict discipline maintained within the security personnel and inspite of the fact that there was a security guard of CRPF deployed at the gate, one PSO was always stationed for 24 hours whether Justice Yashwant Varma was at home or in case he was out of station. Such PSO would be sitting in the guard room opposite the sentry gate of the CRPF. The factum of the CCTV camera covering the store has also come on record and W-23 had stated that the door of the store was frequently passed by all security and domestic help while having access to the bathrooms situated behind the store room. The said PSO Ajit W-23 stated that he had gone to the spot at the time of the fire and interacted with the daughter of Justice Yashwant Varma, namely, Diya and also described the clothes that she was wearing and that after the arrival of the fire wagon at 11.40 P.M. on 14.03.2025 which had been brought in the driveway of the house Mr. Karki had also arrived and taken control of the situation and the PSO Ajit (Witness No.23) had come back to the gate.

54. The conduct and demeanor of the witness was questioned by the Committee as put to him that he was falsely deposing regarding his presence also which then stood confirmed by the statement of Diya that the PSO who normally remains present in the house when

her father remained out of station did not come to see the fire. The said witness had specifically stated that the fire wagons had been reversed with the back portion facing the gym and the pipes had been laid out whereas it is consistent version of the fire personnel that due to the narrow entrance gate the wagon was brought in with great difficulty and had been parked with the front facing the gym. He also stated that Mr. Sandeep Sharma, Deputy Registrar (W-39) did not come to the spot which is also incorrect statement as Sandeep Sharma himself deposed that he came present and rather had been informed by Rajinder Singh Karki (W-41) of the fire and had contacted Mr. Rajinder Atwal, DFO (W-21) and had also reached the spot within minutes after Mr. Karki and was standing outside near the fire wagon which was closer to the location where the PSO was stationed in the front lawn. It has already been noticed by us earlier that Mr. Karki (W-41) had also deposed regarding his presence.

55. We have seen the video clips and stills (Exs. V-6 to V-9) as such furnished by Diya before the fire tenders had arrived which would go on to show the extent of the fire and it is hard to believe that the PSO who was specifically deputed for duty would not come to help the family members, though having served the Judge for a period of two years prior in point of time. The further examination of the other PSOs would also go on to show that they were working on 24 hours pattern with duty from 7.30 A.M. to 7.30 A.M. of the next date and were stationed in the guard room of the house where other members and the drivers would also come. The said W-24 Jaivir Singh PSO has also stated that earlier the store room used to remain open

and now it is locked and he had seen the lock sometimes hanging on the store of the door. Similarly, the statement of Shashi Kumar W-25 the PSO would also confirm the strict surveillance of 24 hrs of duty even if the Judge was not at station and the fact that they were not allowed to roam in the premises and were only allowed go to the bathroom and that he had been informed that the daughter had instructed the PSO Ajit to look after the gate duty rather than extinguishing the fire. His deposition also would go on to show that even the PPS to Chief Justice of Delhi High Court came for inspection and they had asked for permission whether he should be permitted entry on the intercom or not which further goes on to confirm the factum as such of strict surveillance of the security level. The said PSOs and other officials have not deposed that the CCTV camera displayed in the PSO room was not working and one of the cameras at the back gate was not working and therefore there is nothing to show that the CCTV camera footage was not available or not in a working condition. Rather the statement of the CRPF would show that the monitoring of the CCTV footages was the responsibility of the PSOs. Even the statement of Dilip Manjhi W-27 would go on to show that if anyone took the key to the back-gate, a requisite entry was made in the register. He also stated that entry to the bungalow is duly regulated by the PSO and vehicles entering the same is entered in a register. Similar is the statement of W28 Sunil Kumar that entry to the bungalow is controlled by the PSOs and Mohd. Rahil. The said witness specially stated that there was difficulty for the fire wagon from entering the same into the driveway and he was on duty at that

point of time and the wagon was facing the cars in the garage and the pipes were taken from the side and the back of the fire wagon. His deposition was that the PSO Ajit (W-23) did not come back to the gate and continued to remain at the site of the fire which is contrary to the deposition of Ms. Diya and Ajit also.

Implied responsibility and control of Justice Varma:

56. The official residence of a sitting High Court Judge is secured by static guards which are four to five in number deputed round the clock, 24x7. Even these security guards are bound by certain rules and regulations to maintain discipline, punctuality and vigil. These security guards may be under the disciplinary control of their superior officers in their respective forces, but when they are posted at the residence of a sitting High Court Judge, they are bound by the directions issued by the sitting Judge.

57. In the instant case, the store room, which was used for keeping unused domestic items and liquor cabinets, was under the physical control of Justice Varma and his family members and, therefore, any suspicious item found in the store room will have to be accounted for by Justice Varma or his family members. The half-burnt currency notes seen and found during the process of dousing of fire are highly suspicious items and more so are not of small amount or denomination which could not have been placed in the store room without the tacit or active consent of Justice Varma or his family members. Justice Varma's initial response in his written reply to the query raised by the Chief Justice of the Delhi High Court as well as Hon'ble the Chief Justice of India was of flat denial and conspiracy

being hatched by someone without naming that someone or explaining the circumstances thereto. The amount of cash found in the store room was not of small quantity, but is visibly huge in quantity lying on the floor and also on the ledge of the store room, as seen by the fire and police personnel. Thus, it could not be brushed aside as something petty or insignificant.

58. Whenever, a government accommodation is allotted to a sitting High Court Judge, or for that matter, any government servant, the allotment carries with it the responsibility upon the occupant to keep the premises free of items or material which may give rise to suspicion in the eyes of the common man. With the privileges attached to the government accommodation comes the responsibility of upholding the trust bestowed by the public at large of keeping the premises of official residential accommodation free from all items/material which are objectionable to the extent of breaching the public trust bestowed upon the occupant.

Cleaning of site and unnatural conduct:

59. Another aspect which we are finding difficult to reconcile is the issue of cleaning up of the site without specific instruction as it is the categorical case of Justice Yashwant Varma that he was not present and therefore could not have supervised the same, having reached only on 15.03.2025 at 5.00 PM by flight. It is his categorical case that he cut short his trip which he had undertaken on account of the Holi vacations and came back on account of the fire incident being worried about his daughter and mother who were at home though not directly affected. It is also come on record that he was travelling with

a couple who also cut short the trip. In the statement of Diya it has come-forth that after her parents had arrived back on 15.03.2025, they did not go to the scene of the fire inside the store room and only she had informed her mother about her visit to the store room with Karki and Rahil and all the things in the store room were burnt and nothing could be salvaged. Similar is the statement of Justice Yashwant Varma that he, along with his wife, took stock of the situation on arrival by talking to the aged mother, daughter and servants and thereafter he had taken tea and coffee and went to the camp office and his wife and daughter had gone to the market. The explanation given as to why he had not gone and inspected the spot immediately on his return to Delhi is that he was only concerned about the well being of his family members and he had been told that every article in the store room had been destroyed and he did not deem it appropriate to visit the store. He only did so when the PPS to the Chief Justice of Delhi High Court came at 9.00 PM on 15.03.2025. As noticed once, Justice Varma had cut short his trip on account of the situation created by the fire incident, we find it hard to believe that he and his wife even did not inspect the spot even if the household articles were kept there which is his categorical case and is now confirmed by the eyewitnesses present on the spot and the electronic evidence both in the form of videos and still photographs regarding the presence of currency affected by the fire which contradicts his stand taken in the reply dated 22.03.2025 (Ex. P-15) given to the Chief Justice of Delhi High Court also. A natural reaction of any person would be on arrival to first inspect the site to assess the damage, even if only house hold articles had been

damaged and no person was hurt in the fire incident. Rather, if having done so firstly there would be no occasion for Justice Yashwant Varma to visit the site when the PPS had come forth to inspect the store room and he could have asked his Personal Secretary to facilitate the inspection by the PPS. This conduct on the part of Justice Yashwant Varma also is unnatural and defies all logic and leads the Committee to come to a conclusion that the correct picture has not been projected and necessarily an adverse inference has to be drawn against him.

Conspiracy and Arson Theory being contradictory:

60. A perusal of his reply (P-15) would also go on to show that a conspiracy theory was, as such, alleged by Justice Yashwant Varma while giving reference to an earlier attempt made in social media in 2024 on being shared the videos by Chief Justice of Delhi High Court on the morning of 17.03.2025. Neither any specific person has been named who is responsible for the planting or any instance or motive as to why he has been targeted had been put-forth in the said reply and neither before us, the said theory has been elaborated. The only additional part as mentioned before us is the presence of his cousin sister and her husband who had come from Dubai on the same evening of Holi Day which had not been mentioned in his initial stand dated 22.03.2025. As noticed above, the argument that the area was very porous and open to all is not liable to be accepted in view of the categorical statement of the security personnel to the contrary that there was discipline maintained amongst them and none could access the house without the permission of the family members. Therefore, it is well nigh impossible for currency to be planted in the store room of

a sitting Judge, which is being monitored by static 1+4 guard and a PSO stationed at the gate at all time, apart from the fact that the house abounds with a large number of old and trusted domestic servants with over six staff quarters. Similarly, the arson theory which has now been highlighted that there was an explosion in the store room which is not being examined by anyone is also to be not accepted as even in the explanation (P-15) given by Justice Yashwant Varma he had stated that the terminology of arson was only told to him that when the first query was made by the Chief Justice of Delhi High Court. The stand as such of Justice Yashwant Varma also in the explanation given is the fact that Chief Justice of Delhi High Court in order to facilitate the visit of PPS at that point of time had used the word 'arson' and it was never Justice Varma's case also in his explanation dated 22.03.2025 Ex.P15 that incident was an outcome of arson which is a criminal act of deliberately setting fire to property. Rather it was his case that it was on account of a short circuit. If that was the case of Justice Yashwant Varma, he apparently took no action on the same after reaching home on 15.03.2025 and even rather he chooses not to visit the store in question after coming back from Bhopal till the PPS to the Chief Justice of Delhi High Court came to inspect which thus does not further his defence in any manner.

61. Rather, if the statement of Justice Varma dated 07.04.2025 before us is taken into account, a totally different stand had been taken that when he was out of station, instructions were given that the PSO should remain on duty at the guard room to ensure there is one man at hand in case of any emergency or need or

assistance to his mother and the access to the house is well monitored and limited. The total turn around in the subsequent statements made on 17.04.2025 and 27.04.2025 to take the plea that the area is porous and accessible thus cannot be accepted.

62. The unnatural conduct of Justice Yashwant Varma has already been noticed above and the fact that if there was any conspiracy theory why he chose not to file any complaint with the police officials or bring it to the notice of the Chief Justice of the High Court or the Hon'ble the Chief Justice of India regarding the fact that there were planted stories regarding the burning of currency notes in the store room which is part of his house. Another reason which weighs with us is post incident conduct that Justice Yashwant Varma knowing the inevitable, quietly accepted the proposal of transfer order which he received on 20.03.2025 (Ex.P-16) at 4.15 P.M. after finishing his judicial work from the office of Hon'ble the Chief Justice of India though he could have responded till 9.00 A.M. on 21.03.2025 as per the said proposal. The categorical acceptance on 20.03.2025 (Ex.P-17) immediately, without any demur and "respectfully accepting the decision of repatriation to Allahabad" would, in normal circumstances, only be done after discussion with family members at least and after an attempt to find out the reason for transfer, having served in Delhi High Court for the last three years. It is his categorical case that he has served diligently for a decade without any complaint. Thus, he would have liked to find out the reason for transfer.

63. In the absence of any plausible explanation coming from Justice Varma or his family members or for that matter any other witness, this Committee is left with no option, but to hold that the trust reposed in him was belied by him by allowing highly suspicious material in shape of piles of currency notes to be stashed in the store room. Whether this stashing was done with tacit or explicit consent of Justice Varma or his family members is of little significance in the face of the larger concept of breach of public trust and probity expected of the high constitutional office held by Justice Varma.

64. Further, the fact that no attempt was made by Justice Varma or any member of his household to report the incident to any quarters or to immediately secure the visuals from the CCTV cameras and make them available in support of his contentions, at least, when he was told on 17.03.2025 that there were photos and videos of burnt cash in his premises, renders his contentions totally unbelievable.

65. The comprehensive written response submitted online by Justice Varma on 30.04.2025, which runs in 101 pages, has also been perused by this Committee.

66. The first and the foremost objection raised by Justice Varma is that by formulating three issues vide letter of Hon'ble the Chief Justice of India dated 22.03.2025, he faces the uphill task of disproving a fact which is presumed to be prima-facie true.

67. It is contended that the issues indicate that there is a presumption of guilt which Justice Varma has now to disprove. It is further contended that since there is no cogent incriminating evidence/material on record, it is for the Committee to first discover

the truth in regard to each allegation and when the same is prima-facie found to be established, only then Justice Varma needs to disprove the same and not the other way round. Thus, in sum and substance, Justice Varma contends that reverse burden of proof is being fastened upon him to disprove the fact of currency not having been found in the store room after presuming without evidence that the currency was found in the store room.

68. This Committee for convenience subcategorized the first of three issues into three (3) sub issues, the first one being "*whether the burnt currency was found in the store room at 30 Tuglak Crescent, New Delhi*".

69. The first and the foremost sub issue to establish was that the burnt cash was found in the store room. The burden to prove this assertion was upon this Committee. This burden has been discharged by this Committee by recording the aforesaid findings based on statements of eye witnesses (firemen and police personnel) corroborated by electronic evidence of still photographs and videos which have been proved to be shot by the said eye witnesses at the coordinates which coincide with the location of the store room. More so the discussion supra reveals a number of corroborative pieces of evidence to establish that the burnt currency notes were seen and found in the store room by the firemen as well as police personnel.

70. It is only when this Committee found the factum of burnt currency having been seen and found in the store room to be established, the burden shifted upon Justice Varma to raise his defence by disproving the aforesaid factum. As explained above, Justice

Varma has failed to discharge this burden compelling this Committee to hold that the burnt cash was found in the store room in the night intervening 14/15.03.2025.

71. As such the objection of Justice Varma that he has been put to a disadvantage by having to disprove that the burnt currency notes were not found in the store room needs to be rejected at the very outset.

72. The second sub issue (b) of issue No.1 that whether the store house is within the premises of 30 Tughlak Crescent, New Delhi or not also stands established by the fact of this Committee having found that the tacit and active control of the access to the store room was with Justice Varma and his family members and well monitored without any outsiders getting access to it without permission. In this view of the matter, the objection of the store room being situated at a distance from the residential portion of the bungalow fades into insignificance.

73. The third sub issue (c) of Issue No.1 is how Justice Varma accounts for presence of money/cash in the store room. This sub issue assumes relevance and importance only when the burnt cash was established to have been found in the store room. The factum of the burnt cash having been found in the store room was undeniably established and therefore, the burden shifted upon Justice Varma to account for the said cash/money by giving a plausible explanation which he failed to do except projecting a case of flat denial and raising a bald plea of conspiracy. Where presence of burnt cash in the store room is established, it is for Justice Varma to account for the

same by either successfully raising a defence of planting of cash in the store room which he failed to do or proving the defence of conspiracy theory by adducing evidence/material that the money/cash did not belong to him but to someone else by disclosing the identity of the real owner of the cash. Not having done so, Justice Varma cannot be helped and therefore, this Committee holds that the money/cash was found in the store room located within the premises of 30 Tughlak Crescent, New Delhi occupied by Justice Varma, the source of which could not be accounted for by Justice Varma.

74. The third main issue pertains to the persons removing the burnt money/cash in the wee hours of 15.03.2025. A conjunctive reading of the statements of eye witnesses, electronic evidence and the circumstantial evidence, which has come on record, as explained supra and the failure of Justice Varma and his personal staff to explain the omissions, contradictions and embellishment, noticed in their statements, this Committee is compelled to hold by way of strong inferential evidence on record that the most trusted personnel of domestic staff i.e. Rahil/Hanuman Parshad Sharma and Rajinder Singh Karki, Private Secretary to Justice Varma were instrumental in removing the burnt money/cash from the store room during the wee hours of 15.03.2025 sometime after the firemen/Delhi Police personnel had left the premises.

CONCLUSION:

75. In the conspectus of the discussion, analysis and threadbare marshalling of the statements made by 55 witnesses including the statement of Justice Varma, this Committee has to now

render its findings in regard to Clause (5) of the Procedure laid down for conduction of enquiry by In-house Committee constituted by Hon'ble the Chief Justice of India, which reads thus:-

"5 (i) After such enquiry, the Committee may conclude and report to the Chief Justice of India that:-

(a) There is no substance in the allegations contained in the complaint; or

(b) There is sufficient substance in the allegations contained in the complaint and the misconduct disclosed is so serious that it calls for initiation of proceedings for removal of the Judge, or

(c) there is substance in the allegations contained in the complaint, but the misconduct disclosed is not of such a serious nature as to call for initiation of proceedings for removal of the Judge

(ii) A copy of report shall be furnished to the Judge concerned by the Committee".

76. Before recording its conclusion, this Committee deems it appropriate to ponder upon certain aspects which lie at the foundation of the very constitution of this Committee i.e. to inquire into the acts of omission and commission of Judges of higher judiciary who fail to follow Universally Accepted Values of Judicial Life.

77. It has been more than three decades when the "Restatement of values of Judicial Life" were adopted by the Supreme Court in its Full Court meeting dated 07.05.1997, which for ready reference & convenience are stated below:-

"RESTATEMENT OF VALUES OF JUDICIAL LIFE

[As adopted by Full Court Meeting of the Supreme Court of India on 7th May, 1997]

(1) Justice must not merely be done but it must also be seen to be done. The behaviour and conduct of members of the higher judiciary must reaffirm the people's faith in the impartiality of the judiciary. Accordingly, any act of a Judge of the Supreme Court or a High Court, whether in official

or personal capacity, which erodes the credibility of this perception has to be avoided.

(2) A Judge should not contest the election to any office of a Club, society or other association; further he shall not hold such elective office except in a society or association connected with the law.

(3) Close association with individual members of the Bar, particularly those who practice in the same court, shall be eschewed.

(4) A Judge should not permit any member of his immediate family, such as spouse, son, daughter, son-in-law or daughter-in-law or any other close relative, if a member of the Bar, to appear before him or even be associated in any manner with a cause to be dealt with by him.

(5) No member of his family, who is a member of the Bar, shall be permitted to use the residence in which the Judge actually resides or other facilities for professional work.

(6) A Judge should practice a degree of aloofness consistent with the dignity of his office.

(7) A Judge shall not hear and decide a matter in which a member of his family, a close relation or a friend is concerned.

(8) A Judge shall not enter into public debate or express his views in public on political matters or on matters that are pending or are likely to arise for judicial determination.

(9) A Judge is expected to let his judgments speak for themselves. He shall not give interview to the media.

(10) A Judge shall not accept gifts or hospitality except from his family, friends, close relations and friends.

(11) A Judge shall not hear and decide a matter in which a company in which he holds shares is concerned unless he has disclosed his interest and no objection to his hearing and deciding the matter is raised.

(12) A Judge shall not speculate in shares, stocks or the like.

(13) A Judge should not engage directly or indirectly in trade or business, either by himself or in association with any other person. (Publication of a legal treatise or any activity in the nature of a hobby shall not be construed as trade or business).

(14) A Judge should not ask for, accept contributions or otherwise actively associate himself with the raising of any fund for any purpose.

(15) A Judge should not seek any financial benefit in the form of a perquisite or privilege attached to his office unless it is clearly available. Any doubt in this behalf must be got resolved and clarified through the Chief Justice.

(16) Every Judge must at all times be conscious that he is under the public gaze and there should be no act or omission by him which is unbecoming of the high office he occupies and the public esteem in which that office is held. These are only the "Restatement of the values of Judicial Life" and are not meant to be exhaustive but illustrative of what is expected of a Judge."

78. From the aforesaid enumerated values of judicial life, it is obvious that all the virtues expected from a Judge are founded upon the concept of probity. Probity qua a Judge is measured by yardstick which is much more stringent than the probity expected of a civil post holder. The element of probity becomes predominant, relevant and indispensable when the offices of higher judiciary are in question. The expectation of the general public from a member of superior judiciary is extremely high. Probity is the most important and indispensable attribute of a person holding judicial office and is rather the basic eligibility criteria. Least that is expected of any judicial officer of district or higher judiciary is unimpeachable character and conduct in and outside the Court room. The very existence of judicial office is founded upon the trust of the citizens at large. The quality & quantity of this trust is directly relatable to the behaviour, conduct and performance demonstrated by the Judge, not only inside but also outside the Court room. Any deficiency in this regard erodes public trust which ought to be viewed stringently.

79. This Committee thus holds that the cash/money was found in the store room of 30 Tughlak Crescent, New Delhi officially occupied by Justice Varma. More so, the access to the store room has been found to be within the covert or active control of Justice Varma and his family members and that by way of strong inferential evidence, it is established that the burnt cash/money was got removed from the store room during the wee hours of 15.03.2025 from 30 Tughlak Crescent, New Delhi.

80. Keeping in view the direct and electronic evidence on record, this Committee is firmly of the view that there is sufficient substance in the allegations raised in the letter of Hon'ble the Chief Justice of India dated 22.03.2025 and the misconduct found proved is serious enough to call for initiation of proceedings for removal of Justice Yashwant Varma, Judge of the Allahabad High Court.

sd/-
(SHEEL NAGU)
CHIEF JUSTICE
CHAIRMAN

sd/-
(G.S. SANDHAWALIA)
CHIEF JUSTICE
MEMBER

sd/-
(ANU SIVARAMAN)
JUDGE
MEMBER

DATED:- 03.05.2025