

‘Action has to be taken by President, PM’: SC rejects plea seeking FIR in Justice Yashwant Varma cash row case

The Supreme Court said that the in-house inquiry committee report into the Justice Yashwant Varma cash row case has been forwarded to President Droupadi Murmu and PM Narendra Modi.

The Supreme Court on Wednesday rejected a petition seeking the registration of an FIR in the matter of unaccounted cash being discovered at Justice Yashwant Varma's official residence in Delhi.

A bench of Justices A S Oka and Ujjal Bhuyan pointed out that, as per a May 8 press release issued by the Supreme Court, the report of the in-house inquiry committee which probed the incident had already been forwarded to President Droupadi Murmu and Prime Minister Narendra Modi and that the petitioners should first approach them.

“There was an in-house inquiry report. It has been forwarded to the President of India and the Prime Minister of India. So follow the basic rule. If you are seeking a writ of mandamus, you have to first make a representation to those authorities before which the issue is pending. Action has to be taken by the President and the Prime Minister,” Justice Oka told advocate Mathews J Nedumpara, who is one of the petitioners in the matter.

The bench said it is not saying that he cannot approach the court. “You do not know the contents of the report. We also do not know the contents of that report. You make a representation calling upon them to take action. If they do not take action, then you can come here,” the bench said.

Nedumpara also said he was seeking reconsideration of the 1991 ruling in K Veeraswami Vs. Union of India, wherein it was held that prior approval of the Chief Justice of India is mandatory for registering a criminal case under Section 154 of the Criminal Procedure Code against a sitting high court or Supreme Court judge. But the court said the prayer need not be considered now.

A committee comprising Justice Sheel Nagu, Chief Justice of the Punjab and Haryana High Court, Justice G S Sandhawalia, Chief Justice of the Himachal Pradesh High Court, and Justice Anu Sivaraman, judge of the Karnataka High Court was set up on March 22 to look into the allegations of cash recovery after a fire broke out at former Delhi High Court judge Justice Varma's residence. The panel found credence in the allegations.