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“No evidence to prosecute Justice Nirmal Yadav”

J. Venkatesan

Milon Banerjee conveys his opinion to Law Ministry

It's for CJI to decide on action

Justice Yadav may be transferred

New Delhi: The former Attorney General Milon Banerjee has said there is no evidence to prosecute Justice Nirmal Yadav of the Punjab and Haryana High Court in the “Rs. 15 lakh cash-at-door scam.”

Earlier, Justice Nirmal Yadav, in her reply to the show-cause sent by Chief Justice of India K.G. Balakrishnan, said the Rs. 15 lakh in cash delivered at the residence of Justice Nirmaljit Kaur in Chandigarh on August 13, 2008, was not meant for her and that she was made a scapegoat because of the similarity in their names.

Shortly before his resignation, Mr. Banerjee told the Law Ministry that the government's move to initiate prosecution against Justice Yadav would have to be dropped for lack of evidence.

Ministry sources told *The Hindu* that in the light of Mr. Banerjee's opinion, it was for the CJI to decide on the action to be taken against Justice Yadav. Indications are she would be transferred to another High Court.

After a formal case was registered, the Central Bureau of Investigation conducted a preliminary probe and opined that Justice Yadav could be prosecuted. But Mr. Banerjee, after examining records and the CBI report, concluded that there was insufficient evidence for prosecuting her.

Soon after the scam came to light, the CJI relieved Justice Yadav of judicial work and appointed a three-judge committee to enquire into the matter. She proceeded on leave.

In its report, the committee, an internal mechanism evolved by the judiciary and whose probe was independent of the CBI investigation, concluded that there was prima facie truth in the allegations of corruption against Justice Yadav.

It said her action was unbecoming of a judge and amounted to impropriety and misconduct. The

CJI issued her the show-cause.

In her reply, Justice Yadav requested the CJI to reject the enquiry report as the probe was lopsided. She said: 'I do not know, nor am I aware till now, whether the sum of Rs. 15 lakh delivered at Mrs. Nirmaljit Kaur's residence was for her or for someone else. But I am certain it was always intended to be delivered at her residence.'

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