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Justice Nirmal Yadav seeks witness statements

J. Venkatesan

NEW DELHI: Justice Nirmal Yadav of the Punjab and Haryana High Court, who earlier said Rs.15 lakh in cash delivered at the residence of Justice Nirmaljit Kaur in Chandigarh on August 13 last was not meant for her, has requested Chief Justice of India K.G. Balakrishnan to supply statements of witnesses to enable her to give a final response to the show-cause notice.

In her second letter on January 27, Justice Yadav appealed to the CJI to reject the three-member in-house committee's report holding her guilty on mere probabilities as the probe was lopsided. "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," she said. The CJI on January 29 responded saying all documents she had sought were already supplied.

In her third reply, Justice Yadav said certain statements of advocate Sanjiv Bansal (at whose instance the amount was alleged to have been delivered by Prakash Ram) and Prakash Ram were recorded by the Chandigarh police. "The statement of Prakash Ram was also recorded under Section 164 Cr.PC. Besides, the police was in possession of call records between the son of a Supreme Court judge and Sanjiv Bansal."

"If I were to get copies of those statements, I am confident that I will be in a position to satisfy Your Lordship that two statements of the same witness, one before the police and the other before the committee, cannot co-exist. Further, I would be in a position to demonstrate that the findings of the committee are irreconcilable with those statements. My precise grievance is that only selective statements recorded by Mr. Madhur Verma, IPS, have been taken into account by the committee while leaving out more significant and vital statements and documents available on the official record of the police," she added.

Justice Yadav said she had on February 6 applied to the Supreme Court for supply of these documents under the Right to Information Act but there was no response. "I expect the reply with respect to my request shortly. As soon as the same is available with me, I will submit my reply without further delay."

Justice Nirmal Yadav was taken off normal judicial work soon after the incident of cash delivery.

