

09.07.2021

Sl. 1 - 4
Ct.No. 03
Amalranjan

(Via Video Conference)

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

WPA (P) 186 of 2021

**Tarunjyoti Tewari
Vs.
Union of India & Ors.**

**With
WPA (P) 187 of 2021**

**Sandipan Das
Vs.
Union of India & Ors.**

**With
WPA (P) 188 of 2021**

**Tapas Maity
Vs.
State of West Bengal & Ors.**

**With
WPA (P) 191 of 2021**

**Ajit Kumar Mishra
Vs.
Union of India & Ors.**

Mr. Billwadal Bhattacharyya
Mr. Saket Sharma

... for the petitioner
in WPA(P) 186 of 2021

Mr. Bikash Ranjan Bhattacharya, Sr. Advocate
Mr. Sabyasachi Chatterjee
Mr. Indrajeet Dey
Mr. K. Das
Mr. P. Karar
Mr. Akashdeep Mukherjee
Ms. R. Mukherjee
Mr. A. Sharma

...for the petitioner
in WPA(P) 187 of 2021

Mr. Bikash Ranjan Bhattacharya, Sr. Advocate
Mr. Samim Ahammed
Ms. Gulsanwara Pervin

...for the petitioner
in WPA(P) 188 of 2021

Mr. Smarjit Ray Chaudhury
Mr. Nilanjan Bhattacharya

Mr. Indrajit Chatterjee
Mr. Abhishek Acharya

...for the petitioner
in WPA(P) 191 of 2021

Mr. Kishore Datta, Id. Advocate General
Mr. Anirban Roy
Mr. Raja Saha
Mr. Sayan Sinha

...for the State

Mr. Alok Ghosh
Mr. Subhrangsu Panda

...for the KMC

As questions of law we take into account two arguments. First, the submission of the Learned Advocate General that taking cognizance of, making an investigation into an alleged offence and starting prosecution for it is a state-subject over which it has exclusive power.

Secondly, the judgment cited by Mr. Bikash Ranjan Bhattacharya, learned senior advocate for some of the petitioners, Subrata Chatteraj Vs. Union of India and Others connected with Alok Jena Vs. Union of India & Others, reported in (2014) 8 SCC 768 which, inter alia, lays down that the High Court and the Supreme Court are vested with powers to order investigation of a matter by the Central Bureau of Investigation, in specific cases, when, inter alia, the alleged offence is part of “a larger conspiracy” involving

very influential and powerful persons in the state, having a direct impact on the investigating machinery and process. In that situation, the court will intervene and hand over the investigation to the Central Bureau of Investigation for an impartial investigation.

The case at hand is a very unique one. Nothing similar to this is in public memory. One Debanjan Deb with the aid and assistance of some collaborators was running diverse fake Covid-19 vaccination camps and had vaccinated numerous persons.

He was holding himself out as an IAS officer with a high ranking post in Kolkata Municipal Corporation.

He was driven around in an Innova car with a flag and blue flasher beacon, creating an impression in all that he was a very high official.

The vaccine administered was contained in a glass vial with a fake label of Covishield or Sputnik V wrapped around its body. The vial contained the substance 'Amikacin Sulphate IP' or Triamcinolone Acetonide Injection IP "NADICORT", later revealed during investigation.

He maintained an office with fake letter pads, stands, holograms of Kolkata Municipal Corporation, disposable syringes, rubber

stamps. The office was equipped with computer and other electronic devices.

He had also managed to open a bank account in the name of Kolkata Municipal Corporation Planning & Development, UPD, Kasba, operated by two of his collaborators.

It is said that he obtained the medicinal items from agencies authorised by Kolkata Municipal Corporation .

Mr. Bikash Ranjan Bhattacharya, learned senior advocate assisted by Mr. Billwadal Bhattacharya, advocate submits that the above facts would show that there is a likelihood of involvement of political and government officials in this misdeed. It was part of a larger conspiracy. Powerful and influential people have roles to play. The investigation is tardy, slow and does not show any real purpose.

In those circumstances, the investigation should be handed over to the Central Bureau of Investigation.

Mr. Billwadal Bhattacharya adopting the submission of Mr. Bikash Ranjan Bhattacharya added that way back in 2017 Debanjan Deb had tried to impersonate himself as a high government official and conducted a sham selection process by taking monetary

gratification from the candidates. The case was reported to the Bidhannagar Police Station, but no action had been taken.

Pursuant to an earlier direction of this court a report in the form of an affidavit has been filed by the government of West Bengal.

All learned counsel have made submissions on this report. The following appear from this report.

On 22nd June, 2021, in the evening the Kasba police station had information of a suspicious Covid vaccine drive in the area. Their officers visited the place. They noticed that the camp was being held without any authorisation from Kolkata Municipal Corporation or any government agency, by Debanjan Deb impersonating himself as an IAS Officer and a high official of the Corporation. They immediately detained him and later, the same evening arrested him.

Various documents like identity cards, visiting cards, Innova vehicle and other items which he was using to running the vaccination camps were seized.

On the very next day i.e., 23rd June, 2021 he was produced before the learned Additional Chief Judicial Magistrate, Alipore, and was

remanded in police custody till 29th June, 2021. On 29th June, 2021 he was again remanded in police custody till 5th July, 2021.

Learned Advocate General tells us that on 7th July, 2021 his remand has been extended and this time to the judicial custody.

He submits that an Anti Cheating Special Team consisting of 17 members of the Detective Department is investigating the alleged offence, under the leadership of the Deputy Commissioner of Police, Detective Department.

According to the report, after 22nd June, 2021 further investigation has been carried out. Many illegal vaccination camps run by Debanjan Deb have been identified. On 24th June, 2021 the vials, injections, documents and other articles were seized. These vials were sent for medical examination, which revealed the said substances that were being in the vaccination camps. On 24th June, 2021 there was further seizure of letter pads, holograms, seals of Kolkata Municipal Corporation. The documents regarding opening of the bank account in the name of Kolkata Municipal Corporation were also seized.

The persons suspected of aiding and abetting the offence have also been taken into

custody. Statements under Section 161 of the Criminal Procedure Code have been recorded. Bank accounts in the name of the accused and his collaborators are also being investigated. One such account in the name of M/s. WB FINCORP. and another M/s. KMC Planning & Development UPD, Kasba have been identified and enquired into.

It is true, that an offence of this type has rarely been seen. It is astonishing how a person could impersonate as an IAS officer and a high official of KMC, and operate a bank account, in its name for a significant length of time, conduct vaccination drives and other activities without being detected.

Debanjan Deb along with his collaborators have been able to deceive a large section of innocent people, lure them to take vaccination from him at a serious risk to their lives.

Nonetheless, from 22nd June, 2021 the authorities have woken up.

We find from the report and the submissions of the learned Advocate General that steps have been taken with promptitude to apprehend the accused and to make a full-fledged enquiry into the alleged offences. The above narration of facts shows that almost in a

day to day basis the investigation has been carried out. The accused have been remanded to further custody for more intensive investigation. That investigation is in progress. Some reports from experts are expected which will throw further light on the controversy.

The above enquiry does not show that there is any deficiency in the conduct of this investigation that should compel the court to order investigation by the Central Bureau of Investigation.

In fact, the court in *Subrata Chatteraj Vs. Union of India & Ors.* reported in (2014) 8 SCC 768 has also said that the order for enquiry or an investigation by the CBI has to be sparingly made.

In our view, at this stage the facts do no warrant investigation by the CBI. Whether investigation by the said agency would be necessitated in future. It would only depend upon the conclusion of this investigation, the result of it and the subsequent steps taken by the prosecution further to it. If and when such occasion arises, the petitioner or any public-spirited person may move us, by a fresh application.

With these observations, we dispose of these writ applications (WPA (P) 186 of 2021, WPA (P) 187 of 2021 and WPA(P) 188 of 2021.

WPA (P) 191 of 2021)

There is no merit in this writ application. The applicant is a lawyer. He calls upon the court to make an enquiry whether the vaccination administered by Debanjan Deb is at all fake or not. It is an admitted fact, that the substance used by him was not vaccination material at all but some other chemical substances and that he was not at all authorised to administer it.

In those circumstances, the writ application (WPA (P) 191 of 2021) is thoroughly misconceived and is dismissed.

(I. P. Mukerji,J.)

(Aniruddha Roy,J.)