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**IN THE HIGH COURT AT CALCUTTA
Criminal Appellate Jurisdiction**

CRA 665 of 2009

In the matter of : Abhijit Nandi @ Abhijit Nandy & Ors.
.... appellants.

Ms. Aiswarja Gupta
Mr. Kuntal Ray

.... for the appellants.

Mr. Joydeep Roy
Ms. Sujata Das

.... for the State.

Mr. learned advocate for the appellants further submits that the appellant Nos. 2 i.e. Chandan Roychowdhury @ Chandan Roy Choudhury @ Kala, and appellant No. 4 i.e. Biswajit Chakraborty @ Biswajit Chakraborty @ Toton and appellant No. 5 i.e. Ujjal Dey @ Ujjwal Dey are in contact with the advocate-on-record.

Mr. learned advocate for the appellants further submits that the appellant Nos. 3 i.e. Prasanta Ghosh and appellant No. 6 i.e. Debasish Dey @ Debashis Dey did not contact with the advocate-on-record. Vide order 28.04.2023 five appellants were present before the Court and there personal appearance is noted and dispensed with.

Sentence of the appellants is of six years and vide order dated 25.03.2010 passed by this Court the appellants were enlarged on bail. After lapse of 13 years when the appeal is ready for hearing, the conduct of the appellants are contrary to

the administration of justice. Accordingly, the order dated 25.03.2010 passed by this Court suspending the sentence and releasing the appellants on bail, is recalled.

The order of the bail granted to the appellant Nos. 3 i.e. **Prasanta Ghosh** and appellant No. 6 i.e. **Debasish Dey @ Debashis Dey** are cancelled and this Court directs non-bailable warrant to be issued for their apprehension. Trial court shall take necessary steps for issuance of such process and its execution in accordance with law.

Let the matter be fixed on 11th October, 2023 for the report of the trial court.

Copy of the order be sent to the Department, learned Registrar General, High Court at Calcutta and learned advocate for the State for due compliance.

Parties to act on a server copy of this order duly downloaded from the official website of this Court.

(Ananya Bandyopadhyay, J.)