

Court No. - 8

Case :- CRIMINAL MISC. WRIT PETITION No. - 6102 of 2023

Petitioner :- Said Ahmad

Respondent :- Commissioner, Prayagraj Division, Prayagraj
And Another

Counsel for Petitioner :- Santosh Kumar Dubey, Yugal Kishor
Tripathi

Counsel for Respondent :- G.A.

Hon'ble Ajay Bhanot, J.

Heard Shri Yugal Kishor Tripathi, learned counsel for the petitioner and Shri Alok Kumar Tiwari, learned Standing Counsel for the State.

This writ petition has been filed for quashing of the impugned order dated 18.07.2023 passed by the appellate authority under Section 6 of the Uttar Pradesh Control of Goondas Act, 1970, whereby application for interim relief filed by the petitioner has been rejected.

By the order dated 25.05.2023 passed under Section 3(3) of the Uttar Pradesh Control of Goondas Act, 1970, the punishment of externing the petitioner from the jurisdiction of District Pratapgarh for a period of six months was imposed. The petitioner carried the said order in appeal. The appeal which came to be registered as Case No. 873 of 2023 (Said Ahmad Vs. State of U.P.) was accompanied by an application for grant of interim relief.

The submission on behalf of the petitioner is that the

appeal is still pending and his application for interim relief has been rejected. The impugned order has been passed by the District Magistrate, Pratapgarh only on the basis of a solitary case pending against the petitioner in which he has been granted bail by this Court by order dated 16.05.2022. There is no good justification of externment of the petitioner for a period of six months.

There is no likelihood that the appeal will be heard in any time in the near future despite diligent efforts of the petitioner. With the rejection of the application for interim relief, the impugned order has come into effect. This renders the remedy of appeal illusory as the punishment will be carried out even before the appeal is decided.

In this wake, the order passed by the District Magistrate, Pratapgarh, under Section 3(3) of the Uttar Pradesh Control of Goondas Act, 1970, dated 25.05.2023 shall remain stayed till the final decision is taken in the appeal filed by the petitioner.

The appellate authority is directed to decide the appeal filed by the petitioner preferably within a period of three months from the date of receipt of a certified copy of this order.

The petition is disposed of finally.

Order Date :- 7.8.2023

Dhananjai