

Court No. - 8

Case :- MATTERS UNDER ARTICLE 227 No. - 3901 of 2023

Petitioner :- Vinay Pandey @ Vinay Kumar Pandey

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home
And 3 Others

Counsel for Petitioner :- Suneel Kumar Singh Kalhans, Richa
Srivastava, Shikha Srivastava

Counsel for Respondent :- G.A.

Hon'ble Ajay Bhanot, J.

Heard Shri Suneel Kumar Singh Kalhans, learned counsel assisted by Shri Yogesh Kumar Singh, learned counsel and Shri Naveen Pratap Singh, learned counsel for the petitioner and Shri Alok Kumar Tiwari, learned Standing Counsel for the State.

While entertaining the appeal of the petitioner under Section 6(1) of the Uttar Pradesh Control of Goondas Act, 1970, the application for grant of interim relief has not been decided by the appellate authority as a result of which the punishment inflicted under Section 3(3) of the Uttar Pradesh Control of Goondas Act, 1970 is allowed to run its course.

By the order dated 05.06.2023 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 Gonda 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. 845 of 2023 (Vinay Pandey Vs. State of U.P.) was accompanied by an application for grant of interim relief. While admitting the appeal, the appellate authority has failed to pass any order on the application for grant of interim relief.

The concern of the petitioner as canvassed by learned counsel for the petitioner is that in case interim relief is not granted, the appeal will become infructuous and the remedy will become illusory.

In this wake the order passed by the District Magistrate, Gonda, under Section 3(3) of the Uttar Pradesh Control of Goondas Act, 1970, dated 05.06.2023 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