2026:AHC:208695

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 24320 of 2026

Abhijeet Rai

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Aditya Yadav, Aryan Yadav
Counsel for Respondent(s)	:	G.A.

Court No. - 78

HON'BLE SANDEEP JAIN, J.

1. The instant writ petition under Article 226 of the Constitution of India has been filed for the following relief:-

" I. Issue a writ, order or direction in the nature of certiorari quashing the order dated 27.07.2026 passed by Respondent No.3 rejecting the petitioner's stay application in Appeal No.1145/2026 and/or the order dated 06.05.2026 passed by Respondent No.2 in Case No.57/2026 u/s 3/4 of the UP Control of Goondas Act, 1970.

II. Issue a writ, order or direction in the nature of mandamus directing the Respondent No.4 not to arrest the petitioner, and directing the respondents not to take any coercive action against the petitioner, in furtherance of the externment order dated 06.05.2026, during the pendency of Appeal No.1145/2026 before the Respondent No.3."

2. Learned counsel for the petitioner submits that on the basis of three cases, proceedings under Section 3/4 of the U.P. Control of Goondas Act, 1970 were initiated against the petitioner and by order dated 06.05.2026 passed by the respondent no.2-Joint/Additional Police Commissioner(Headquarters & Crime)/Prescribed Magistrate, Police Commissionerate, Kanpur Nagar the petitioner has been externed for six months from the limits of District Kanpur Nagar, which has been challenged by the petitioner by filing Appeal No.1145 of 2026(Computerized Case No. C202603000001145) (Abhijeet Rai vs. State of U.P.), under Section 6 of U.P. Control of Goondas Act, 1970 before Commissioner, Kanpur Division, Kanpur, in which a stay

application has also been moved which was rejected vide order dated 27.07.2026. The appeal, however, has not yet been decided by the appellate authority. The petitioner seeks a direction from this Court for quashing the impugned orders dated 06.05.2026 and 27.07.2026 and further seeks a direction to the respondents not to take any coercive action against the petitioner pursuant to the order dated 06.05.2026 during the pendency of the appeal before the appellate authority..

3. Learned A.G.A. submits that as per instructions received by him, at present three cases are registered against the petitioner, which shows that he is a habitual offender.

4. It is evident that on the basis of three criminal cases, the petitioner has been declared a "Goonda" by the respondent no.2, by the impugned order dated 06.05.2026. The petitioner has challenged this order by filing an appeal before the Commissioner, Kanpur Division, Kanpur, which is still pending for adjudication. However, the stay application preferred by the petitioner was dismissed by the impugned order dated 27.07.2026.

5. Since the petitioner's appeal is still pending, it is not appropriate for this Court to express any opinion regarding the legality of the impugned order.

6. In view of the above, it is appropriate to direct the appellate authority to decide the petitioner's appeal expeditiously.

7. Accordingly, this writ petition is disposed of with a direction to the Commissioner, Kanpur Division, Kanpur, to decide Appeal No.1145 of 2026(Computerized Case No. C202603000001145) (Abhijeet Rai vs. State of U.P.), under Section 6 of the Uttar Pradesh Control of Goondas Act, 1970) within a period of two months from the date of production of the certified copy of this order. Till the disposal of the appeal, the operation and effect of the order dated 06.05.2026 shall remain stayed.

8. Accordingly, the instant writ petition is **disposed of**.

(Sandeep Jain,J.)

October 6, 2026
Himanshu

Digitally signed by :-
HIMANSHU YADAV
High Court of Judicature at Allahabad