



2026:AHC:61131

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 3927 of 2026

Pushpendra Singh

.....Petitioner(s)

Versus

State Of Up And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Prem Sagar Verma, Rahul Kumar
Counsel for Respondent(s)	:	G.A.

Court No. - 80

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State.

2. The present writ petition has been filed with following prayer:

"(i) To issue a writ, order or direction in the nature of Certiorari quashing the order dated 09.02.2026 passed by respondent no. 2 in Case No. 47 of 2026 (Computer Case No. C202603000000047), Pushpendra Singh vs. State of U.P., under Section 6 of the U.P. Control of Goondas Act, 1970, Police Station Panki, Police Commissionerate, Kanpur Nagar, insofar as it relates to the rejection of the stay application (Annexure No. 3).

(ii). To issue a writ, order or direction in the nature of Mandamus staying the operation and effect of the externment order dated 07.01.2026 passed by respondent no. 3 (Annexure No. 1) during the pendency of the statutory appeal before the respondent no. 2.

(iii). To issue a writ, order or direction in the nature of mandamus commanding respondent no. 2 to decide the aforesaid appeal as expeditiously as possible preferably within a time frame as may be fixed by this Hon'ble Court."

3. It is submitted by the learned counsel for the petitioner that an externment order has been passed against the petitioner by Joint Police Commissioner, Police Commissionerate Kanpur Nagar, on 07.01.2026,

under Section 3/4 of U.P. Control of Goondas Act, 1970. Being aggrieved vide aforesaid order dated 07.01.2026, the petitioner preferred an Appeal/Case No. 47 of 2026, before the Divisional Commissioner, Kanpur Division, Kanpur. The appeal was admitted by the Divisional Commissioner, Kanpur Division, Kanpur, but interim application moved by the petitioner was dismissed by the Divisional Commissioner, Kanpur Division, Kanpur, vide order dated 09.02.2026. It is further submitted that in case the Appeal/Case No. 47 of 2026 preferred by the appellant/petitioner is not disposed of in near future, the purpose of filing the appeal would frustrate. He further submitted that a suitable direction may be issued to the Divisional Commissioner, Kanpur Division, Kanpur, to dispose of the Appeal/Case No. 47 of 2026 (Puushpendra Singh vs. State of U.P.) as expeditiously as possible.

4. It is further submitted that the Divisional Commissioner, Kanpur Division, Kanpur, ought to have stayed the effect and operation of the impugned order dated 07.01.2026. The Appellate Authority have not exercised its jurisdiction properly, but in a casual and cavalier fashion. As such, the impugned order dated 09.02.2026 passed by the Divisional Commissioner, Kanpur Division, Kanpur, is liable to be quashed by this Court.

5. Per contra, learned A.G.A. has opposed the prayer made in the present writ petition. He submits that the order impugned dated 09.02.2026 is perfectly just and legal and consequently the same is not liable to be interfered with by this Court. However, it is admitted by the learned A.G.A. that the appeal would become infructuous in case it is not decided within a period of six months, as already the impugned order was passed more than two months ago.

6. Having heard the learned counsel for the petitioner, learned A.G.A. and upon perusal of record, this Court finds that stay application filed by the petitioner in the appeal preferred by the petitioner against externment order dated 07.01.2026, has been rejected on the vague finding. There is basis in support of the aforesaid finding in the impugned order. The Appellate Authority have, thus, failed to consider that the life of externment order is six months and further the externment order has a

serious civil consequences. Consequently, the impugned order dated 09.02.2026, is unsustainable in law and liable to be quashed.

7. In view of the discussion made above, the present writ petition succeeds and is liable to be allowed. Accordingly, the present writ petition is **allowed**. The impugned order dated 09.02.2026 passed by the Appellate Authority i.e. Divisional Commissioner, Kanpur Division, Kanpur, in Appeal No. 47 of 2026 (Pushpendra Singh vs. State of U.P.), under Section 6 of U.P. Control of Goondas Act, 1970, is hereby **quashed** .

8. The Appellate Authority shall decide the appeal filed by the petitioner within a period of one month from the date of production of a certified copy of this order. It is further provided that the effect and operation of the order dated 07.01.2026 passed by the Joint Police Commissioner, Police Commissionerate, Kanpur Nagar, shall remain stayed till the final pronouncement of judgment by the Appellate Authority.

(Vivek Kumar Singh,J.)

March 24, 2026
A.P. Pandey