



2026:AHC:57719

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 5295 of 2026

Jaisram Sahani

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kamal Kishor Mishra, Kavita Nishad, Sanjeev Kumar
Counsel for Respondent(s)	:	G.A.

Court No. - 78

HON'BLE AVNISH SAXENA, J.

1. Sri Kamal Kishor Mishra and Sri Sanjeev Kumar, learned counsels for the petitioner submits that the present writ petition has been preferred by the petitioner on being aggrieved by order dated 18.02.2026 passed by respondent no. 2- Commissioner Basti Region, Basti rejecting the application for interim relief without application of mind. The prayer is reiterated underneath:-

"a) Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 18.02.2026 passed by the Commissioner Basti Region, Basti in Case No.C202617000000158, U/s 3/4 of U.P. Control of Goondas Act, 1970, Police Station Dharmsinghwa, District Sant Kabir Nagar.

b) Issue a writ, or direction in the nature of mandamus, commanding the respondents, not to execute the order dated 27.01.2026 passed by the learned Additional District Magistrate, Sant Kabir Nagar during the pendency of appeal before the learned Commissioner Basti Region, Basti as No.C202617000000158 (Jaisram Sahani Versus State), U/s 3/4 of U.P. Control of Goondas Act, 1970, Police Station Dharmsinghwa, District Sant Kabir Nagar."

2. Learned counsel seeks interference of this Court for issuance of direction that the application of the petitioner be reheard and the order be passed on merit.
3. Learned AGA for State submits that the application for interim relief has been disposed of by respondent no. 2 after considering the merits of the case.
4. This Court has taken into consideration the rival submissions made by parties and perused the record.
5. The impugned order dated 18.02.2026 is reiterated underneath:-

"पत्रावली प्रस्तुत हुई। पुकार कराई गई। अपीलकर्ता एवं कैविएटकर्ता के विद्वान अधिवक्ता तथा सहायक जिला शासकीय अधिवक्ता (फौजदारी) उपस्थित हुए, उनके तर्कों को ध्यानपूर्वक सुना गया। पत्रावली का भली भाँति अवलोकन किया गया। यह अपील अपर जिला मजिस्ट्रेट जनपद संत कबीर नगर के आदेश दिनांक 27.01.2026 के विरुद्ध दिनांक 06.02.2026 को योजित की गई है। अतर न्यायालय द्वारा प्रकरण को अन्तिम रूप से निस्तारित किया गया है। अपील पोषणीय है। **अपीलकर्ता के स्थगन प्रार्थना पत्र दिनांक 06.02.2026 पर विचार करने के पश्चात स्थगन दिये जाने का औचित्य प्रतीत नहीं होता है।**

तदनुसार **अपील विचारार्थ ग्रहण की जाती है।** अवर न्यायालय की मूल पत्रावली मंगायी जाय। प्रतिपक्षी को जरिये समन / रजिस्ट्री समन सूचित किया जाय। पत्रावली सुनवाई हेतु दिनांक 18.03.2026 को उपस्थित हों।"

6. Through the impugned order the appeal has been admitted but the application for interim relief was rejected, merely by stating that after considering the merit of the case, the respondent no. 2 does not find any merit in any ground of interim relief to stay the operation of the order dated 27.01.2026 passed by Additional District Magistrate, Sant Kabir Nagar [respondent no. 3].
7. Thus, the impugned order to that extent is quashed. The writ petition is **disposed of** with the direction upon respondent no. 2- Commissioner Basti Region, Basti to reconsider the interim application of the petitioner and pass an order on merit. Till then the effect and operation of the order dated 27.01.2026 passed by Additional District Magistrate, Sant Kabir Nagar- respondent no. 3 passed in Case No.C202617000000158 (Jaisram

Sahani Vs. State), U/s 3/4 of U.P. Control of Goondas Act, 1970, Police Station Dharmsinghwa, District Sant Kabir Nagar, shall remain **stayed**.

(Avnish Saxena,J.)

March 20, 2026

Sharad/-