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புதுச்சேரி மாகில அரசிதழ்

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PART - I

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No. > 16	Poudouchéry	Vendredi	1	Février	2019 (12 Magha 1940)
No.	Puducherry	Friday	1st	February	2019

IN THE COURT OF THE SUBDIVISIONAL MAGISTRATE, MAHE

Present: Shri Aman Sharma, Subdivisional Magistrate, Mahe.

M.C. No. 87/2018, Under Section 144 of Cr.P.C./1652

ORDER

(Under Section 144 of Cr.P.C.)

Thiru Nijesh. P.K. (35), S/o. Viswanathan @ Nanu, Nijesh Bhavan, Kurulithazhakuniyil, East Palloor-P.O., Chokli. Counter Petitioner

Whereas, the Station House Officer, Palloor Police Station, has laid information against you in Cr. No. 47/2018 under section 144 Cr.P.C. alleging that the Counter Petitioner is a native of Palloor and a habitual offender. The Counter Petitioner involved in the opponent party local leader murder case in Cr.No. 32/2018 of Palloor Police Station. The Counter Petitioner was arrested and released on bail

with a condition to sign before Station House Officer, Yanam Police Station daily at 10.00 hrs. and 5.00 p.m. at Yanam Police Station until further orders *vide* Cr.M.P.No. 3716/2018, dated 31-08-2018. The Hon'ble Court modified the condition bail *vide* Cr.M.P.No. 3912/2018 the Counter Petitioner sign every Monday at Yanam Police Station until further orders. The Counter Petitioner came to native place and frequently visit East Palloor, Palloor area in the interim days. The Counter Petitioner is life threat person by the opponent party which create the Law and Order problems in Palloor Police Station limit and causing disturbance to the public peace and tranquility. The Counter Petitioner was involved in the following cases:

- 1. Cr.No. 35/03 under sections 341, 323 IPC r/w 34 IPC of Palloor Police Station.
- 2. Cr.No. 110/04 under sections 147, 148, 323, 324, 506 (ii) IPC r/w 149 IPC of Palloor Police Station.
- 3. Cr.No. 158/05 under sections 143, 147, 148, 341, 342, 324, 326, 307 IPC r/w 149 IPC of Palloor Police Station.
- 4. Cr.No. 78/06 under sections 341, 307, 324, IPC r/w 34 IPC of Palloor Police Station.
- 5. Cr.No. 12/08 under sections 143, 147, 148, 448, 427, 506 IPC r/w 149 IPC of Palloor Police Station.
- Cr.No. 32/18 under sections 147, 148, 341, 302, 120 (b), 212, 109 r/w 149
 IPC of Palloor Police Station.

And whereas, the Station House Officer, Palloor Police Station, has prayed to invoke provisions under section 144 (i), (ii) and (iii) of Cr.P.C against you, not to enter into the jurisdiction of Subdivisional Magistrate Court to prevent danger to the human life and properties and to prevent disturbance to the public tranquility and order.

And whereas, you were summoned to this Court on 18-12-2018, 27-12-2018 and 10-01-2019 at 3.30 p.m. and the petitioner stated that the Counter Petitioner is main accused in sensational political murder case and he is presently on bail and his presence may lead to break down of law and order condition. The Counsel appeared for the Counter Petitioner and submits the counter.

And whereas, based on the information laid before me, I am satisfied that there are sufficient grounds for proceeding against you under section 144 (i), (ii) and (iii) of Cr.P.C.

Now, therefore, based on the reasons stated above, I, Aman Sharma, Subdivisional Magistrate, Mahe, in exercise of powers conferred under Code of Criminal Procedure, do hereby prohibit you under section 144 of Cr.P.C. from entering into the region under the control of my jurisdiction for a period of two months from the date of this order or till any further orders are passed by the Competent Authority revoking this prohibition as per law, whichever is earlier except when you are summoned to attend the cases in any of the Courts in Mahe.

At Mahe, dated 14th January 2019.

Aman Sharma, Subdivisional Magistrate, Mahe.

IN THE COURT OF THE SUBDIVISIONAL MAGISTRATE, MAHE

Present: Shri Aman Sharma, Subdivisional Magistrate, Mahe.

M.C. No. 89/2018, Under Section 144 of Cr.P.C./1657

ORDER

(Under Section 144 of Cr.P.C.)

Thiru Sunil Kumar @ Kodi Suni (37), S/o. Surendiran (*late*), Sharon Villa, Meethale Chalil, Nidumbram, Chokly (PO).

Counter Petitioner

Whereas, the Station House Officer, Palloor Police Station, has laid information against you in Cr.No. 48/2018 under section 144 Cr.P.C. alleging that the Counter Petitioner is a native of Chokli which is adjacent to Palloor Police Station limit. He is the life convict prisoner of Viyur Central Prison, Trissur in Cr.No. 433/12 under sections 143, 148, 147, 302, 149, 109, 118, 201, 212, 465, 471 r/w 34 r/w 120 B IPC and S.3,4 of Explosive Substances Act of Vadakara Police Station and came to native place under parole. This was one of the most sensational political murder case. Counter Petitioner is an active worker of CPI(M) Party and his activities are concentrated in Palloor, Chalakkara areas and involved in following cases.

- Cr.No. 24/2000 under sections 147, 148, 324, 323 IPC r/w 149 IPC, dated 18-06-2000 - Convicted.
- 2. Cr.No. 18/2001 under sections 147, 341, 323 IPC r/w 149 IPC, dated 06-03-2001 Convicted.
- 3. Cr.No. 20/2001 under sections 147, 186, 353 IPC, 3 of PDPP Act r/w 149 IPC, dated 08-03-2001 Acquitted.
- 4. Cr.No. 43/2001 under sections 34 BIX, EI of PP Act r/w 34 IPC, dated 24-05-2001 Convicted.
- 5. Cr.No. 51/2001 under sections 34 BIX, EI of PP Act, dated 26-06-2001 Convicted.
- Cr.No. 63/2001 under sections 457, 380, 511 IPC r/w 34 IPC, dated 14-08-2001- Acquitted.
- 7. Cr.No. 97/2001 under sections 341, 323, 506 (1) IPC r/w 34 IPC, dated 13-11-2001 Compounded.
- 8. Cr.No. 11/2002 under sections 341, 323 IPC, dated 07-02-2002 Compounded.
- 9. Cr.No. 33/2003 under sections 343, 323, 324, 356, 379 IPC r/w IPC, dated 11-03-2003 Acquitted.
- 10. Cr.No. 34/2003 under sections 342, 323, 324, 356, 379 r/w 34 IPC, dated 11-03-2003 Acquitted.
- 11. Cr.No. 115/2003 under sections 341, 324, 326, 307 IPC r/w 34 IPC, dated 12-11-2003 Acquitted.
- 12. Cr.No. 51/2004 under sections 147, 448, 323, 324, 427, 506(ii) r/w 149 IPC, dated 02-04-2004 Acquitted.

- 13. Cr.No. 109/2004 under sections 147, 148, 323, 324, 506(11) IPC r/w 149 IPC, dated 27-11-2004 Acquitted.
- 14. Cr.No. 112/2005 under sections 143, 447, 427, r/w 149 IPC, dated 01-02-2005 Convicted.
- 15. Cr.No. 13/2005 under sections 143, 447, 427 IPC r/w 149 IPC, dated 01-02-2005 Acquitted.
- 16. Cr.No. 69/2005 under sections 452, 323, 324, 354, 506 (ii) r/w 34 IPC, dated 15-04-2005 Convicted.
- 17. Cr.No. 09/2006 under sections 448, 201, 286 IPC and 5 (1) (a) of Explosive Substances Act 1908 r/w 34 IPC, dated 25-01-2006 PT.
- 18. Cr.No. 10/2007 under sections 341, 325, 427, 506 (II) IPC r/w 34 IPC Acquitted.
- 19. Cr.No. 54/2007 under sections 286, 427 and 3 of Explosive Substances Act 1908 r/w 34 IPC UT.
- 20. Cr.No. 04/2008 under sections 25 Arms Act 1959 if, Palloor Police Station Acquitted.
- 21. Cr.No. 41/08 under sections 147, 148, 341, 324, 323 IPC and section 27(2) of Arms Act r/w 149 IPC Acquitted.
- 22. Cr.No. 44/2008 under sections 341, 326, 307 IPC and 27 (2) of Arms Act r/w 34 IPC PT.
- 23. Cr.No. 53/2008 under sections 294, 323, 506 (II) r/w 34 IPC Acquitted.
- 24. Cr.No. 60/2008 under sections 143, 147, 148, 448, 427, 506 (I) IPC r/w 149 IPC Acquitted.
- 25. Cr.No. 62/2008 under sections 286 IPC Acquitted.
- 26. Cr.No. 64/08 under sections 143, 147, 148, 307 IPC, dated 8-7-2008 UT
- 27. Cr.No. 73/2008 under sections 143, 147, 148, 341, 324, 506(11) IPC, dated 14-08-2008 Acquitted.
- 28. Cr.No. 49/2009 under sections 448, 323, 354, 506 (II) IPC r/w 34 IPC, dated 17-02-2009 Acquitted.
- 29. Cr.No. 101/09/ under sections 307, 427 IPC and 3 and 5 of Explosive Substances Act 1908 r/w 34 IPC PT.
- Cr.No. 786/2010 under sections 143, 147, 148, 341, 435, 109, 120(B), 201, 302 IPC r/w 149 IPC and 3 and 5 of Explosive Substances Act, 1908 of Thalassery Police Station (Under Investigation) PT.

The Station House Officer has stated that there is also reliable information that some hardcore criminals from neighbouring place of Kerala State are regularly visiting Palloor area to consume liquors. Moreover, there is reliable information that the Counter Petitioner has nexus with political criminals in Kerala area. The local Police is keeping close surveillance on the above Counter Petitioner, if, the Counter Petitioner is allowed in Palloor limit, it is apprehended that he will conspire, other political criminals to indulge in serious offences like assault murder, explodes country made bombs, criminal intimidation, obstructions, annoyance, etc., and thereby become a perennial source threat to the community and disturb public peace and order.

And Whereas, the Station House Officer, Palloor Police Station, has prayed to invoke provisions under section 144 (i), (ii) and (iii) of Cr.P.C against you, not to enter into the jurisdiction of Subdivisional Magistrate Court to prevent danger to the human life and properties and to prevent disturbance to the public tranquility and order.

And whereas, you were summoned to this Court on 10-01-2019 at 3.30 p.m. and the petitioner stated that the Counter Petitioner could not be served notice as he has returned back to Central Prison, Viyur, after completion of parole period. The petitioner has stated that the Counter Petitioner is a habitual criminal and may be a threat to law and order situation within Palloor Police Station limit if, he come back on Palloor again.

And whereas, based on the information laid before me, I am satisfied that there are sufficient grounds for proceeding against you under sections 144 (i), (ii) and (iii) of Cr.P.C.

Now, therefore, based on the reasons stated above, I, Aman Sharma, Subdivisional Magistrate, Mahe, in exercise of powers conferred under Code of Criminal Procedure, do hereby prohibit you under section 144 of Cr.P.C. from entering into the region under the control of my jurisdiction for a period of two months from the date of this order or till any further orders are passed by the Competent Authority revoking this prohibition as per law, whichever is earlier except when you are summoned to attend the cases in any of the Courts in Mahe.

At Mahe, dated 14th January 2019.

Aman Sharma, Subdivisional Magistrate, Mahe.

IN THE COURT OF THE SUBDIVISIONAL MAGISTRATE, MAHE

Present: Shri Aman Sharma, Subdivisional Magistrate, Mahe.

M.C. No. 90/2018, Under Section 144 of Cr.P.C./1651

ORDER

(Under Section 144 of Cr.P.C.)

Thiru Shammas.A.K.(28), S/o. Abdulla (*late*), Baithul Noor, Koodentavida, P.O.Chokli. Counter Petitioner

Whereas, the Station House Officer, Palloor Police Station has laid information against you in Cr.No. 49/2018 under section 144 Cr.P.C. alleging that the Counter Petitioner is a permanent resident of Chokli Panchayat in Kerala which is bordering Palloor Police Station and your activities are concentrated in East Palloor and Palloor area and involved many crime cases of Palloor Police Station. You are habitually involving in criminal activities with malicious intent to endanger the human life and property in the Palloor Police Station limit. Further, it is stated that the Counter Petitioner is an active worker of CPI (M) and formed a gang of anti-social elements and is bent upon indulging in crime such as hurt, rioting, affray and disturbance to the public tranquility and order, even using country made bombs

with maliciously endangering human life and property, which have created panic in the minds of local inhabitants and operating illegal activities in the areas of East Pallor, Palloor and adjoining area have become a source of panic among and public. The petitioner has stated that the public of the locality are afraid of you and they do not come forward to lodge any complaint due to fear of retaliation. The witness are having fear to give evidence against the Counter Petitioner and they do not volunteer to give evidence in the cases in which you are an accused. As such the cases against you are ending in acquittal for want of evidence. You are involved in the following cases.

- 1. Cr.No. 45/09 under sections 307, 435 IPC and Section 3 and 5 of Explosive Substances Act 1908 r/w 109 IPC and 34 IPC.
- 2. Cr.No. 47/12 under section 34A (iii) of PP Act.
- 3. Cr.No. 23/15 under sections 341, 294(b) 323, 506 (ii).
- 4. Cr.No. 35/2015 under sections 323, 324, 506 (ii) IPC r/w 34 IPC.
- 5. Cr.No. 49/16 under sections 147, 148, 341, 323, 427, 506(11) IPC and Section 27(2) of Arms Act r/w 149 IPC r/w 149 IPC.
- 6. Cr.No. 40/17 under sections 323, 506(ii) IPC r/w 34 IPC.
- 7. Cr.No. 768/10 under sections 143, 147, 148, 341, 435, 109, 120(B), 201, 302 IPC r/w 149 IPC and 3 and 5 of Explosive Substances Act 1908.
- 8. Cr.No. 34/18 under sections 147, 148, 353, 427, 435, 454, 506 (ii) r/w 149 IPC and Section 4(1) of PDPP Act was registered, dated 08-05-2018 case is under investigation.
- 9. Cr.No. 62/18 under section 34 BIX of PP Act: UI.

Further, it is stated that the security proceedings under section 144 Cr.P.C. invoked against the Counter Petitioner based on the reliable information and the Subdivisional Magistrate Court passed orders *vide* M.C.No. 31/18, dated 10-10-2018 that the Counter Petitioner prohibited to enter in this jurisdiction for a period of two months and the Subdivisional Magistrate Court order was expired on 08-12-2018. On 12-12-2108, the Counter Petitioner and his associate threatened the opposite party worker at Palloor Nadavayal road and thereby, created panic in the minds of general public. Aggrieved person and public of the locality are afraid of him and they do not come forward to lodge any complaint due to fear of retaliation.

And whereas, the Station House Officer, Palloor Police Station, has prayed to invoke provisions under section 144 (i), (ii) and (iii) of Cr.P.C against you, not to enter into the jurisdiction of Subdivisional Magistrate Court to prevent danger to the human life and properties and disturbance to the public tranquility and order.

And whereas, you were summoned to this Court on 10-01-2019 at 3.30 p.m. and enquired on the cases registered against you and your depositions could not prove your innocence as you pleaded before this Court. The petitioner stated that the respondent has close nexus with political elements in Palloor are and involved in criminal intimidation and instigating crimes in the Palloor Police Station limit and if, permitted in Palloor Police Station limit, he may cause law and order problem.

And whereas, based on the information laid before me, I am satisfied that there are sufficient grounds for proceeding against you under section 144 (i), (ii) and (iii) of Cr.P.C.

Now, therefore, based on the reasons stated above, I, Aman Sharma, Subdivisional Magistrate, Mahe, in exercise of powers conferred under Code of Criminal Procedure, do hereby prohibit you under section 144 of Cr.P.C. from entering into the region under the control of my jurisdiction for a period of two months from the date of this order or till any further orders are passed by the Competent Authority revoking this prohibition as per law, whichever is earlier except when you are summoned to attend the cases in any of the Courts in Mahe.

At Mahe, dated 14th January 2019.

AMAN SHARMA, Subdivisional Magistrate, Mahe.

IN THE COURT OF THE SUBDIVISIONAL MAGISTRATE, MAHE

Present: Shri Aman Sharma, Subdivisional Magistrate, Mahe.

M.C. No. 91/2018, Under Section 144 of Cr.P.C./1658

ORDER

(Under Section 144 of Cr.P.C.)

Thiru Shamjith.T.P @ Jithu, S/o. Gangadharan (late), Kamaladhalam, Kuniyil House, Nademmal P.O., Pathyakunnu, Panoor, Kannur District.

Counter Petitioner

Whereas, the Station House Officer, Palloor Police Station, has laid information against you in Cr.No. 50/2018 under section 144 Cr.P.C. alleging that the Counter Petitioner is a native of Panoor which is bordering Palloor Police Station and your activities are concentrated in East Palloor and Palloor area. The Counter Petitioner is an active BJP/RSS worker who was involved in the opponent party local leader murder case in Cr.No. 32/2018 of Palloor Police Station. The Counter Petitioner was arrested and released on bail with a condition to sign before Station House Officer, Yanam Police Station daily at 10.00 hrs. and 5.00 p.m. at Yanam Police Station until further orders vide Cr.M.P.No. 3716/2018, dated 31-08-2018. The Hon'ble Court modified the condition bail vide Cr.M.P.No. 3912/2018 the Counter Petitioner sign every Monday at Yanam Police Station until further orders. The Counter Petitioner came to native place and frequently visit East Palloor, Palloor area in the interim days. The Counter Petitioner formed a gang of anti-social elements and is bent upon indulging in crime such as hurt, rioting, affray and disturbance to the public tranquility and order, even using country made bombs with maliciously endangering human life and property, which have created panic in the minds of local inhabitants and operating illegal activities in the areas of East Palloor and adjoining area have become a source of panic among and public. Further, it is stated that the public of the locality are afraid of you and they do not volunteer to give evidence in the cases in which he is an accused. As such the cases against him are ending in acquittal for want of evidence. The Counter Petitioner is life threat person by the opponent party which create the law and order problems in Palloor Police Station limit and causing disturbance to the public peace and tranquility. The Counter Petitioner was involved in the following cases:

- 1. Cr.No. 49/09 under sections 143, 147, 148, 324 r/w 149 and Section 3 and 5 of Explosive Substances Act of Panoor Police Station, Kerala.
- 2. Cr.No. 875/13 under sections 143, 147, 148, 353, r/w 149 IPC and section 3 and 5 of Explosive Substances Act of Panoor Police Station, Kerala.
- 3. Cr.No. 876/13 under sections 143, 147, 448, 454, 427, 153 (A) r/w 149 IPC of Panoor Police Station, Kerala.
- 4. Cr.No. 987/14 under sections 143, 147, 448, 341, 323, 324, 308 r/w 149 IPC of Panoor Police Station, Kerala.
- 5. Cr.No. 574/15 under sections 341, 323, 324, 308 r/w 34 IPC of Panoor Police Station, Kerala.
- 6. Cr.No. 1082/15 under sections 341, 324, 308 r/w 34 IPC of Panoor Police Station, Kerala.
- 7. Cr.No. 1147/15 under sections 143, 147, 148, 323, 324, 294 (b) r/w 149 IPC of Panoor Police Station, Kerala.
- 8. Cr.No. 571/16 under sections 153, 427, 506 r/w 34 IPC of Panoor Police Station, Kerala.
- 9. Cr.No. 635/16 under sections 457, 354 IPC 7 and 8 of POSCO Act of Panoor Police Station, Kerala.
- 10. Cr.No. 1646/16 under sections 323, 324, 447, 341, 294(B), 506, 308 r/w 34 IPC of Panoor Police Station, Kerala.
- 11. Cr.No. 01/17 under sections 143, 147, 148, 341, 324, 307 r/w 149 IPC of Panoor Police Station, Kerala.
- 12. Cr.No. 53/17 under sections 143, 147, 148, 456 IPC r/w 149 IPC of Panoor Police Station, Kerala.
- 13. Cr.No. 695/17 under sections 341, 323, 324 IPC r/w 34 IPC of Panoor Police Station, Kerala.
- 14. Cr.No. 32/18 under sections 147, 148, 341, 302, 120(b), 212, 109 r/w 149 IPC of Palloor Police Station.

And whereas, the Station House Officer, Palloor Police Station, has prayed to invoke provisions under section 144 (i), (ii) and (iii) of Cr.P.C against you, not to enter into the jurisdiction of Subdivisional Magistrate Court to prevent danger to the human life and properties and to prevent disturbance to the public tranquility and order.

And whereas, you were summoned to this Court on 10-01-2019 at 3.30 p.m. and the petitioner stated that the Counter Petitioner is a habitual and hardened criminal and involved in sensational political murder case and his life is threatened by opponent political elements and his presence within Palloor Police Station limits may lead to disturbance of Law and Order.

And whereas, based on the information laid before me, I am satisfied that there are sufficient grounds for proceeding against you under sections 144 (i), (ii) and (iii) of Cr.P.C.

Now, therefore, based on the reasons stated above, I, Aman Sharma, Subdivisional Magistrate, Mahe, in exercise of powers conferred under Code of Criminal Procedure, do hereby prohibit you under section 144 of Cr.P.C. from entering into the region under the control of my jurisdiction for a period of two months from the date of this order or till any further orders are passed by the Competent Authority revoking this prohibition as per law, whichever is earlier except when you are summoned to attend the cases in any of the Courts in Mahe.

At Mahe, dated 14th January 2019.

Aman Sharma,

Subdivisional Magistrate, Mahe.

IN THE COURT OF THE SUBDIVISIONAL MAGISTRATE, MAHE

Present: Shri Aman Sharma, Subdivisional Magistrate, Mahe.

M.C. No. 92/2018, Under Section 144 of Cr.P.C./1654

ORDER

(Under Section 144 of Cr.P.C.)

Thiru Jerin Suresh.K (31), S/o. Suresh, Puthiyaveettil, Chendayadu (PO), Panoor,

Kannur District.

Counter Petitioner

Whereas, the Station House Officer, Palloor Police Station, has laid information against you in Cr.No. 51/2018 under section 144 Cr.P.C. alleging that the Counter Petitioner is a native of Panoor Municipality in Kerala and involved in the opponent party local leader murder case in Cr.No. 32/2018 of Palloor Police Station. The Counter Petitioner was arrested and released on bail with a condition to sign before Station House Officer, Yanam Police Station daily at 10.00 hrs. and 5.00 p.m. at Yanam Police Station until further orders *vide* Cr.M.P.No. 3716/2018, dated 31-08-2018. The Hon'ble Court modified the condition bail *vide* Cr.M.P.No. 3912/2018 the Counter Petitioner sign every Monday at Yanam Police Station until further orders. The Counter Petitioner came to native place and frequently visit East Palloor, Palloor area in the interim days. The Counter Petitioner's life is threatened by the loyalists of opposite political party, which may lead to law and order problems in Palloor Police Station Limit and causing disturbance to the public peace and tranquility. The Counter Petitioner was involved in the Cr.No. 32/2018 under sections 147, 148, 341, 302, 120(b), 212, 109 r/w 149 IPC.

And whereas, the Station House Officer, Palloor Police Station, has prayed to invoke provisions under section 144 (i), (ii) and (iii) of Cr.P.C against you, not to enter into the jurisdiction of Subdivisional Magistrate Court to prevent danger to the human life and properties and to prevent disturbance to the public tranquility and order.

And whereas, you were summoned to this Court on 10-01-2019 at 3.30 p.m. and the petitioner stated that the Counter Petitioner involved in conspiring to kill CPM leader wherein, his vehicle was used and started visiting Palloor Police Station limits and created disturbances. The Counsel for the Counter Petitioner stated that he is not a resident of Mahe region and working in Bangaluru.

And whereas, based on the information laid before me, I am satisfied that there are sufficient grounds for proceeding against you under section 144 (i), (ii) and (iii) of Cr.P.C.

Now, therefore, based on the reasons stated above, I, Aman Sharma, Subdivisional Magistrate, Mahe, in exercise of powers conferred under Code of Criminal Procedure, do hereby prohibit you under section 144 of Cr.P.C. from entering into the region under the control of my jurisdiction for a period of two months from the date of this order or till any further orders are passed by the Competent Authority revoking this prohibition as per law, whichever is earlier except when you are summoned to attend the cases in any of the Courts in Mahe.

At Mahe, dated 4th January 2019.

Aman Sharma, Subdivisional Magistrate, Mahe.