



புதுச்சேரி மாநில அரசிதழ்

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PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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அதிகாரம் பெற்ற
வெளியீடு

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No. } 28	Poudouchéry	Lundi	25	Février	2019 (6 Phalguna 1940)
No. }	Puducherry	Monday	25th	February	2019

IN THE COURT OF THE SUBDIVISIONAL MAGISTRATE, MAHE

Present : Shri AMAN SHARMA, Subdivisional Magistrate, Mahe.

M.C. No. 06/2019, under section 144 of Cr.P.C./1768

ORDER

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

To

Saneesh @ Ezhilarasan.C.K. (28),
S/o. Gopalan (*late*),
Puthan Puriyil House,
P.O.Paral, Chembra, Mahe.

Counter Petitioner

Whereas, the Station House Officer, Palloor Police Station, has laid information against you in IR. No. 04/2019 under section 144 Cr.P.C. alleging that the Counter Petitioner is a native of Chembra and an active worker of BJP/RSS in Chembra and East Palloor area. He is a habitual offender and he is committing criminal activities with *malicious* intent to endanger the human life and property in Palloor Police Station Limit. He has involved in nine criminal cases in Palloor Police Station limit including one murder case, two attempt murder case. His activities are being closely

watched by the Police unobtrusively in the interest of public order. Public of the locality are afraid of him and they do not come forward to lodge any complaint due to fear of retaliation. The witnesses are having fear to give evidence against him and hence, 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 was involved in the following cases:

1. Cr.No. 26/06 under sections 341, 323, IPC r/w 34 IPC : Compounded.
2. Cr.No. 01/11 under sections 341, 323 IPC r/w 34 IPC - Acquitted.
3. Cr.No. 13/11 under section 286 IPC r/w 34 IPC - Convicted.
4. Cr.No. 27/13 under sections 341, 323 IPC r/w 149 IPC - Compounded.
5. Cr.No. 65/13 under sections 147, 148, 452, 306 IPC r/w 149 IPC - Acquitted.
6. Cr.No. 40/14 under section 427 IPC - Compounded.
7. Cr.No. 52/16 under sections 147, 148, 341, 323, 324, 379, 506 (ii) IPC r/w 149 IPC - Pending Trial.
8. Cr.No. 50/16 under sections 147, 148, 341, 323, 324, 427, 506 (ii) IPC r/w 149 IPC : Pending Trial.
9. Cr.No. 32/18 under sections 147, 148, 341, 302, 120 (b), 212, 109 IPC r/w 149 IPC of Palloor Police Station.

The Petitioner further stated that on 07-05-2018 at about 21.15 hrs. at Palloor Vayalnada Road, in front of the consulting room at Baskaran Karayi's residence, the Counter Petitioner noted above along with seven other associates in prosecution of their common object formed themselves into an unlawful assembly with deadly weapons viz., sword, koduvals, etc., way laid one K.P. Dinesh Babu @ Kannipoyil Babu, a local leader of CPI(M) party, hacked him with lethal weapons over his head, neck and stomach, causing multiple grievous injurious and thereby murdered him due to political rivalry.

Following the murder of K.P. Dinesh Babu @ Kannipoyil Babu at Palloor on 07-05-2018 at about 21.45 hrs. one RSS worker namely, Shamej. P of Peringadi was hacked to death by some CPI(M) workers at Kallayi Road, New Mahe within half an hour of the incident to settle scores. There have been secret inputs that the CPI (M) cadres are not satisfied with the murder of Shamej and they are likely to target the persons including the Counter Petitioner, who have involved in the murder of Kannipoyil Babu. Further, there is information that the rival groups of BJP/RSS workers are also preparing retaliate if any of their cadre is attacked.

The Counter Petitioner obtained bail order from the Hon'ble PDSJ Court, Puducherry, with a condition to appear before the Hon'ble JM Court, Yanam twice in a day at 10.00 a.m. and 5.00 p.m. on all working days until further orders. The bail condition imposed on the Counter Petitioner has been modified by the Hon'ble PDSJ Court, Puducherry and the Counter Petitioner has returned to his native place.

In order to prevent imminent danger to the life and properties of the public, orders under section 144 Cr.P.C was invoked against the Counter Petitioner in MC No. 41/2018/636, prohibiting him from entering into the region under the control of this Hon'ble Court for a period of two months from 31-10-2018. On 28-11-2018 at 16.30 hrs. the Counter Petitioner violated the Hon'ble Court order by standing at the bus stop of Hassan Haji memorial bus shelter and the beat Police personnel

arrested him and based on the special report, a case in Cr.No. 96/18 under section 188 IPC, dated 28-11-2018 was registered and the Counter Petitioner was produced before the Hon'ble JM Court, Mahe and the Hon'ble JM Court, Mahe remanded him to judicial custody. Subsequently, the accused person was granted bail with a condition to sign daily at 10.00 a.m. and 5.00 p.m. at Orleanpet, Puducherry until further order. On 02-01-2019, the bail condition imposed on the Counter Petitioner fully relaxed by the Hon'ble JM Court, Mahe.

The Petitioner has stated that if, the Counter Petitioner is allowed in Palloor limit, it is apprehended that he will conspire with 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 of threat to the Community and disturb public peace and order. There is strong apprehension that rival political cadres may target on his life to wreak vengeance. Such situation cannot be handled effectively by taking recourse to usual procedures contemplated by law and hence, it is necessary that special provisions under section 144 Cr.P.C. is invoked to take action against the Counter Petitioner to prevent imminent danger to the life and properties of the citizens and uphold public peace and order.

And whereas, you were summoned to this Court on 29-01-2019, 05-02-2019, 13-02-2019 at 3.30 p.m. and the petitioner stated that the Counter Petitioner is habitual offender and recently involved in sensational murder case. During last 144 Cr.P.C. orders passed against him, he violated the orders for which FIR has already been registered against him. The Counter Petitioner represented by the Counsel stated that as the Counter Petitioner was staying close to Palloor Police Station limit and the case was wrongly registered by Palloor Police.

And whereas, based on the information laid before me, I am satisfied that there are sufficient grounds for proceeding against you under section 144 (1) & (3) 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 13th February 2019.

AMAN SHARMA,
Subdivisional Magistrate, Mahe.