



புதுச்சேரி மாநில அரசிதழ்

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PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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அதிகாரம் பெற்ற
வெளியீடு

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No.		Puducherry	Thursday	12th	August	2021

IN THE COURT OF THE SUBDIVISIONAL MAGISTRATE (NORTH) AT PUDUCHERRY

Present : Thiru M. KANDASAMY,
Subdivisional Magistrate (North).

M.C. No. 252/2021 of I.R. No. 62/2021 under section 144 of Cr.P.C.

ORDER

(UNDER SECTION 144 OF Cr.P.C.)

State Represented by the Sub-Inspector of Police,
Mettupalayam Police Station,
Puducherry.

.... Petitioner

Vs

Thiru Vijay @ Kakka Viji (36),
S/o. Senathibathy,
No. 07, 2nd Cross,
Anna Street,
Shanmugapuram,
Puducherry.

.... Counter Petitioner

This petition along with case sheet is filed by the Sub-Inspector of Police, Mettupalayam Police Station, Puducherry, praying to pass orders under section 144 Cr. P.C. against Thiru Vijay @ Kakka Viji to prevent imminent danger to human lives and properties and disturbance to the public tranquility and order, in the jurisdiction of this Court.

2. The Counter Petitioner is Thiru Vijay @ Kakka Viji, s/o. Senathipathy, a resident of No. 07, 2nd Cross, Anna Street, Shanmugapuram, Puducherry.`

3. *The facts which led up to the petition are briefly as follows:* The case referred by the Sub-Inspector of Police, Mettupalayam Police Station, Puducherry, with the recommendation of the Superintendent of Police (North), Puducherry, *vide* I.R. No.62/2021 under section 144 of Cr. P.C., dated 21-06-2021. Therein, it has been stated that the Counter Petitioner has indulging in crime such as murder, attempt to murder, hurt and disturbance to the public tranquility and order. The Counter Petitioner has created panic in the minds of local inhabitants. It is also stated that he is leading lavish life with the money earned through extortion. As a result the people of the locality being afraid of the Counter petitioner do not come forward to lodge any complaint against him. It is also stated that even witnesses don't come forward voluntarily to give evidence against him in the cases where he is the accused. In this connection, the Petitioner had stated that the following criminal case was registered against the Counter Petitioner.

1. Cr.No. 134/14 under section 302 IPC, r/w 34 @ 147, 148, 452, 302, r/w 149 IPC, dated 06-11-2014 of Reddiarpalayam Police Station, Puducherry.
2. Cr.No. 50/2012 under section 25(1)(a) of Arms Act, 1959, dated 13-03-2012 of Mettupalayam Police Station, Puducherry – Pending Trail.
3. Cr.No. 277/2011 under section 25(1)(a) of Arms Act, 1959, dated 19-12-2011 of Mettupalayam Police Station, Puducherry – Pending Trail.
4. Cr.No. 42/2010 under section 27(1)(a) of Arms Act, 1959 and 506 (ii) IPC, dated 07-02-2010 of D'Nagar Police Station, Puducherry – Acquitted.
5. Cr.No. 200/2009 under sections 147, 148, 341, 307 IPC r/w 149 IPC, dated 24-11-09 of Reddiarpalayam Police Station, Puducherry –Pending Trail.
6. Cr.No. 315/2007 under sections. 302, 201 IPC, dated 06-10-2007 of Auroville Police Station, Tamil Nadu – Acquitted.
7. Cr.No. 287/2005 under section 324 IPC r/w 34 IPC @ 326, 324 IPC r/w 34 IPC, dated 09-10-2005 of Lawspet Police Station, Puducherry – Acquitted.
8. Cr.No. 09/2004 under sections 324, 323 IPC r/w 324 IPC @ 323, 326 IPC r/w 34 IPC, dated 13-01-2004 of D'Nagar Police Station, Puducherry – Acquitted.
9. Cr.No. 18/2004 under sections 307, 427 IPC r/w 34 IPC, dated 22-01-2004 of D'Nagar Police Station, Puducherry – Acquitted.
10. Cr.No. 05/2003 under sections 341, 323, 506 (ii) IPC r/w 341IPC, dated 15-01-2003 of Lawspet Police Station, Puducherry – Acquitted.
11. Cr.No. 109/2003, under sections 147, 148, 307 IPC r/w 149 IPC, dated 28-06-2003 of Lawspet Police Station, Puducherry – Convicted.

4. The Petitioner further submitted that the Counter Petitioner is a notorious rowdy element and become a source of terror among the public. It is also stated that he has involved in various offences by using aruval, knife to attack the victims and he violated the conditions imposed by the Criminal Courts and has scant respect to the judiciary and rule of law.

5. The Petitioner further submitted that if, Counter Petitioner is allowed to reside in Puducherry limits, it is apprehended that he would continue to indulge in serious offences like murder, assault, extortion, obstructions, annoyance, damages to public and Private properties, *etc.*, and thereby emerged as a perennial source of threat to the community and disturb public peace and order. Hence, the Station House Officer, Mettupalayam Police Station, Puducherry, has prayed to invoke provisions under section 144 Cr. P.C. against the Counter Petitioner do not to enter into the jurisdiction of this Court for a period of two months as to prevent danger to the human life and properties and disturbance to the public tranquility and order.

6. The proceeding was started by affording an opportunity to the Counter Petitioner to show cause against the petition filed by the Petitioner. A notice was served to both the parties on 30-07-2021 to appear for the hearing on 05-08-2021 at 11.00 a.m. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Mettupalayam Police Station, Puducherry. The notice for the Counter Petitioner was received by the wife, Tmt. V. Kalapana. The service was held sufficient for the Counter Petitioner.

7. On 05-08-2021, the Petitioner Thiru R. Kumar , Sub-Inspector of Police, Mettupalayam Police Station, Puducherry, was present. The Counter Petitioner has failed to appear before the Court on hearing date.

8. I have heard the petitioner and carefully gone through all the available records placed before me.

In the Police Information Report/Petition, it is stated that the activities of Thiru Vijay @ Kakka Viji is in such a manner that he may cause breach of peace and create a problem of law and order and public tranquility. He has involved in crimes such as murder, hurt, assault, unlawful activities and disturbance to the public peace and order. There are 11 criminal cases were registered against him in various Police Stations.

9. On perusal of the records submitted by the Petitioner and the recommendation of the Superintendent of Police (North), Puducherry, I am of the opinion that if, the Counter Petitioner is allowed to reside within the limits of my jurisdiction, Counter Petitioner will continue to indulge in and also motivate serious offences like murder, assault, extortion, obstructions, annoyance, damages to public and private properties, *etc.*, and thereby emerged as a perennial source of threat to the community and disturb public peace and order. Such situations cannot be handled effectively by taking recourse to usual procedures contemplated by law and hence, it is necessary that special provision under section 144 of Cr. P.C., is invoked. to take action against the Counter Petitioner to prevent harm to life and properties of citizens and uphold public peace and order.

Hence, I M. Kandasamy, do hereby, in the capacity of Subdivisional Magistrate (North), Puducherry, in exercise of powers conferred under the section 144 (1) of the Code of Criminal Procedure, pass this order and prohibit the Counter Petitioner Thiru Vijay @ Kakka Viji (36), s/o. Senathipathy, a resident of No. 07, 2nd Cross, Anna Street, Shanmugapuram, Puducherry. from entering into the region under the jurisdiction of the Subdivisional Magistrate Court (North) 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 Puducherry. However, the Conter Petitioner may represent against this order before the undersigned by post or by Counsel.

At Puducherry, dated on this 5th day of August, 2021, pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).

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**IN THE COURT OF THE SUBDIVISIONAL MAGISTRATE (NORTH)
AT PUDUCHERRY**

Present : Thiru M. KANDASAMY,
Subdivisional Magistrate (North).

M.C. No. 253/2021 of I.R. No. 97/2020 under section 144 of Cr.P.C.

ORDER

(UNDER SECTION 144 OF Cr.P.C.)

State Represented by the Inspector of Police,,
Lawspet Police Station,
Puducherry.

.... Petitioner

Vs

Thiru Hari @ Hariharan (22),
S/o. Moorthy,
Ponniamman Koil Street,
Karuvadikuppam,
Lawspet,
Puducherry.

.... Counter Petitioner

This petition along with case sheet is filed by the Inspector of Police, Lawspet Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Hari @ Hariharan to prevent imminent danger to human lives and properties and disturbance to the public tranquility and order, in the jurisdiction of this Court.

2. The Counter Petitioner is Thiru Hari @ Hariharan (22) s/o. Moorthy, a resident of Ponniamman Koil Street, Karuvadikuppam, Lawspet, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case referred by the Inspector of Police, Lawspet Police Station, Puducherry, with the recommendation of the Superintendent of Police (North), Puducherry, *vide* I.R. No. 97/2021, under section 144 of Cr. P.C., dated. 22-06-2021. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent upon indulging in crime such as murder, violence, intimidation, assault,

disturbance to the public tranquility and order. The Counter Petitioner has created panic in the minds of local inhabitants and the business people in the Lawspet Police Station limits. As a result, the people of the locality being afraid of the Counter Petitioner do not come forward to lodge any complaint against him. It is also stated that even witnesses don't come forward voluntarily to give evidence against him in the cases where he is the accused. In this connection, the Petitioner had stated that the following criminal case was registered against the Counter Petitioner.

1. Cr. No. 65/2018 under sections 307, 324 IPC, r/w 341 IPC @ 147, 148, 307, 324, r/w 149 IPC of Muthialpet Police Station, Puducherry – Pending Trial.

4. It is also stated in the IR that the Petitioner has received reliable information that the Counter Petitioner is hatching plans to indulge in unlawful activities in the Lawspet area and extort money from them by threatening. It is further stated in the IR that the Counter Petitioner is young and very active notorious rowdy element and have become a threat and menace to the innocent people and therefore, his criminal activities cannot be prevented by invoking the mere security proceedings under the Cr.P.C.

5. The Petitioner further submitted that if, Counter Petitioner is allowed to reside in Lawspet limits, it is apprehended that he would continue to indulge in serious offences like assault, explodes country made bombs, criminal intimidation, obstructions, annoyance, *etc.*, and thereby emerged as a perennial source of threat to the community and disturb public peace and order. Hence, the Station House Officer, Lawspet Police Station, Puducherry, has prayed to invoke provisions under section 144 Cr.P.C. against the Counter Petitioner do not to enter into the jurisdiction of this Court for a period of two months as to prevent danger to the human life and properties and disturbance to the public tranquility and order.

6. The proceeding was started by affording an opportunity to the Counter Petitioner to show cause against the petition filed by the Petitioner. A notice was served to both the parties on 30-07-2021 to appear for the hearing on 05-08-2021 at 11.00 a.m. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Lawspet Police Station, Puducherry. The notice was received by the Counter Petitioner.

7. On 05-08-2021, the Petitioner represented by Thiru Dhananjan, Assitant Sub-Inspector, Lawspet Police Station, Puducherry, was present. The Counter Petitioner has failed to appear before the Court on hearing date.

8. I have heard the Petitioner and carefully gone through all the available records placed before me.

In the Police Information Report/Petition, it is stated that the activities of Thiru Hari @ Hariharan is in such a manner that he may cause breach of peace and create a problem of law and order and public tranquility. He has involved in crimes such as murder, assault, unlawful activities and disturbance to the public peace and order. There is one criminal case was registered against him in Muthialpet Police Station.

9. On perusal of the records submitted by the Petitioner and the recommendation of the Superintendent of Police (North), Puducherry, I am of the opinion that if, the Counter Petitioner is allowed to reside within the limits

of my jurisdiction, Counter Petitioner will continue to indulge in and also motivate serious offences like murder, assault, obstructions, annoyance, damages to public and private properties, *etc.*, and thereby become a perennial source of threat to the community and disturb public peace and order. Such situations cannot be handled effectively by taking recourse to usual procedures contemplated by law and hence, it is necessary that special provision under section 144 of Cr.P.C., is invoked to take action against the Counter Petitioner to prevent harm to life and properties of citizens and uphold public peace and order.

Hence, I M. Kandasamy, do hereby, in the capacity of Subdivisional Magistrate (North), Puducherry, in exercise of the powers conferred under the section 144(1) of the Code of Criminal Procedure/ pass this order and prohibit the Counter Petitioner Thiru Hari @ Hariharan (22), S/o. Moorthy, Ponniamman Koil Street, Karuvadikuppam, Lawspet, Puducherry from entering into the region under the jurisdiction of the Subdivisional Magistrate Court (North), Puducherry, 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 Puducherry, However, the Counter Petitioner may represent against this order before the undersigned by post or by Counsel.

At Puducherry, dated on this 5th day of August, 2021, pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).
