



புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry

The Gazette of Puducherry

PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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அதிகாரம் பெற்ற
வெளியீடு

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

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

M.C. No. 255/2021 of I.R. No. 104/2021 Under Section 144 of Cr.P.C./2068

ORDER

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

To

State Represented by the Station House Officer,
Ariyankuppam Police Station,
Puducherry.

.... Petitioner

Vs.

Thiru Loganathan @ Ajith (20),
S/o. Arumugam,
No. 01, Old Pooranankuppam Street,
Pudukulam, Ariyankuppam,
Puducherry.

.... Counter Petitioner

This petition along with case sheet is filed by the Station House Officer, Ariyankuppam Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C against Thiru Loganathan @ Ajith 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 Loganathan @ Ajith (20), S/o. Arumugam, a resident of No. 01, Old Pooranankuppam Street, Pudukulam, Ariyankuppam, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case submitted by the Station House Officer, Ariyankuppam Police Station, Puducherry, through the Superintendent of Police (South), Puducherry *vide* I. R. No.104/2021, under section 144 of Cr.P.C, dated 13-06-2021. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent up on indulging in crime such as murder, robbery, ganja, hurt, arms cases by using lethal weapons. The Counter Petitioner has created panic in the minds of local inhabitants. It is also stated that he is extorting money from the local merchants and 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 you are the accused. In this connection, the petitioner had stated that the following criminal cases were registered against the Counter Petitioner.

1. Cr.No. 146/2017 under sections 341, 364, 392, 111, 302 IPC, r/w 149 IPC and section 5 (1) (a) and (d) Immoral Traffic Act, 1986, dated 28-09-2017 of Ariyankuppam Police Station, Puducherry – Pending Trial.
2. Cr.No. 163/2018 under sections 341, 294(b), 324, 506 (ii) IPC, r/w 34 IPC, dated 05-11-2018 of Ariyankuppam Police Station, Puducherry – Pending Trial.
3. Cr.No. 07/2019 under sections 294 (b), 324, 506 (ii) IPC, dated 21-01-2019 of Ariyankuppam Police Station, Puducherry – Pending Trial.
4. Cr.No. 38/2019 under sections 294 (b), 506 (ii) IPC, r/w 34 IPC, 27 (i) Arms Act, dated 27-03-2019 of Ariyankuppam Police Station, Puducherry – Pending Trial.
5. Cr.No. 406/2020 under sections 294 (b), 506 (ii) IPC, r/w 34 IPC, dated 02-11-2020 of Ariyankuppam Police Station, Puducherry – Pending Trial.
6. Cr.No. 89/2019 under section 8(c), r/w 20(b), (ii) (A), 27 (A), 29 NDPS Act of Orleanpet Police Station, Puducherry – Pending Trial.

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.

5. It is also stated in the I.R that the Station House Officer has received reliable information that he is desperate and is in dire need of money to maintain his group of rowdy elements and to meet expenses in connection with the trial in the pending criminal cases against him. The Counter Petitioner is hatching plans

to threaten the business people in the Puducherry urban and rural areas and extort money from them by threatening and he violated the conditions imposed by the Criminal Courts and have scant respect to the judiciary and rule of law. The Petitioner also stated that the Counter Petitioner earned displeasure among a section of other rowdy group in the area on account of the grudge against him and hence, rival group is also waiting opportunity to take revenge upon him.

6. The Petitioner further submitted that if, Counter Petitioner is allowed to reside in Ariyankuppam limits, it is apprehended that you would continue to indulge in serious offences like murder, hurt, damages to public and private properties, extortion, assault, 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, Ariyankuppam Police Station, Puducherry, has prayed to invoke provisions under section 144 of 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;

7. 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 12-08-2021. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Ariyankuppam Police Station, Puducherry. The notice for the Counter Petitioner was received by his wife, Tmt. Nagalakshmi. The service was held sufficient for the Counter Petitioner.

8. On 12-08-2021, the Petitioner represented by Thiru G. Anbarasan, Assistant Sub-Inspector, Ariyankuppam Police Station, Puducherry, and the Counter Petitioner was present.

9. I have heard both the sides and carefully gone through all the available records in file placed by the Petitioner.

In the Police Information Report/Petition, it is stated that the activities, Thiru Loganathan @ Ajith 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 are 6 criminal cases were registered against him in various Police Stations. I have also heard the oral submission of the Counter Petitioner. The Counter Petitioner has stated that the Petitioner has filed this false case with an ulterior motive.

10. Upon hearing both sides and on perusal of the records submitted by the Petitioner, 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, hurt, extortion, damages, to public and private properties, assault, obstructions, annoyance, *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 powers conferred under the section 144(1) of the Code of Criminal Procedure, pass this order and prohibit the Counter Petitioner Thiru Loganathan @ Ajith (20), S/o. Arumugam, a resident of No. 01, Old Pooranankuppam Street, Pudukulam, Ariyankuppam, 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 Counter Petitioner may represent against this order before the undersigned by post or by Counsel.

At Puducherry, dated on this 12th day of August, 2021 pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).

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

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

M.C. No. 256/2021 of I.R. No. 117/2021 Under Section 144 of Cr.P.C./2067

ORDER

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

To

State Represented by the Station House Officer,
Ariyankuppam Police Station,
Puducherry.

.... Petitioner

Vs

Thiru Salamon (21),
S/o. Dharmendiran,
No. 19, Old Pooranankuppam Street,
Ariyankuppam, Puducherry,
(Present Address:
Odaiveli, Ariyankuppam, Puducherry).

.... Counter Petitioner

This petition along with case sheet is filed by the Station House Officer, Ariyankuppam Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C against Thiru Salamon 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 Salamon (21), S/o. Dharmendiran, a resident of No. 19, Old Pooranankuppam Street, Ariyankuppam, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case submitted by the Station House Officer, Ariyankuppam Police Station, Puducherry, through the Superintendent of Police (South), Puducherry *vide* I. R. No.117/2021, under section 144 of Cr.P.C, dated 26-06-2021. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent up on indulging in crime such as ganja, hurt, explosive cases by using lethal weapons. The Counter Petitioner has created panic in the minds of local inhabitants. It is also stated that he is extorting money from the local merchants and 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 you are the accused. In this connection, the petitioner had stated that the following criminal cases were registered against the Counter Petitioner.

- (i) Cr. No. 24/2018, under sections 294(b), 323, 326, 324, 506(ii) IPC, r/w 34 IPC – Pending Trial.

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.

5. It is also stated in the I.R that the Station House Officer has received reliable information that he is desperate and is in dire need of money to maintain his group of rowdy elements and to meet expenses in connection with the trial in the pending criminal cases against him. The Counter Petitioner is hatching plans to threaten the business people in the Puducherry urban and rural areas and extort money from them by threatening and he violated the conditions imposed by the Criminal Courts and have scant respect to the judiciary and rule of law. The Petitioner also stated that the Counter Petitioner earned displeasure among a section of other rowdy group in the area on account of the grudge against him and hence, rival group is also waiting opportunity to take revenge upon him.

6. The Petitioner further submitted that if, Counter Petitioner is allowed to reside in Ariyankuppam limits, it is apprehended that he would continue to indulge in serious offences like hurt, damages to public and private properties, assault, 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, Ariyankuppam Police Station, Puducherry has prayed to invoke provisions under section 144 of 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;

7. 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 12-08-2021. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Ariyankuppam Police Station, Puducherry. The notice for the Counter Petitioner was received by his mother, Tmt. Marie. The service was held sufficient for the Counter Petitioner.

8. On 12-08-2021, the Petitioner represented by Thiru G. Anbarasan, Assistant Sub-Inspector, Ariyankuppam Police Station, Puducherry, and the Counter Petitioner was present.

9. I have heard both the sides and carefully gone through all the available records in file placed by the Petitioner.

In the Police Information Report/Petition, it is stated that the activities of Thiru Salamon 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 assault, unlawful activities and disturbance to the public peace and order. There is one criminal cases were registered against him. I have also heard the oral submission of the Counter Petitioner. The Counter Petitioner has stated that the Petitioner has filed this false case with an ulterior motive.

10. Upon hearing both sides and on perusal of the records submitted by the Petitioner, 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 hurt, extortion, damages to public and private properties, assault, obstructions, annoyance, *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 powers conferred under the section 144(1) of the Code of Criminal Procedure, pass this order and prohibit the Counter Petitioner Thiru Salamon (21), S/o. Dharmendiran, a resident of No. 19, Old Pooranankuppam Street, Ariyankuppam, 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 Counter Petitioner may represent against this order before the undersigned by post or by Counsel.

At Puducherry, dated on this 12th day of August, 2021 pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).