



புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry The Gazette of Puducherry

PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

EXTRAORDINARY

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. 217/2021, I.R.No. 77/2021 under section 144 of Cr.P.C./1697

ORDER

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

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

. . . Petitioner

Vs

1. Thiru Nivash (25),
S/o. Yuvaraj,
No. 144, Edayanchavady Road,
Karuvadikuppam,
Lawspet,
Puducherry.

2. Thiru Suriya (26),
S/o. Munusamy,
No. 54, Annie Besant Nagar,
Main Road,
Navarkulam,
Lawspet,
Puducherry.

. . Counter Petitioners

This petition along with case sheet is filed by the Station House Officer, represented by Thiru Veerabathrasamy, Sub-Inspector, Lawspet Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Nivash and Thiru Suriya 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 No. 1 is Thiru Nivash (25), son of Yuvaraj, a resident of No. 144, Edayanchavady Road, Karuvadikuppam, Lawspet, Puducherry and the Counter Petitioner No. 2 is Thiru Suriya (26), son of Munusamy, a resident of No. 54, Annie Besant Nagar, Main Road, Navarkulam, Lawspet, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case was referred by the Station House Officer, Lawspet Police Station, Puducherry, with the recommendation of the Superintendent of Police (North), Puducherry *vide* I.R.No. 77/2021 under section 144 of Cr.P.C., dated 10-06-2021. Therein, it has been stated that the Counter Petitioners have formed a gang of rowdies and bent upon indulging in crimes such as murder, violence, intimidation, assault, disturbance to the public tranquility and order. The Counter Petitioners have created panic in the minds of local inhabitants and the business people in the Lawspet Police Station limits, Puducherry. As a result, the people of Counter Petitioners do not come forward to lodge any complaint against them. It is also stated that even witnesses don't come forward voluntarily to give evidence against them in the cases where they are the accused.

4. The Petitioner further submitted that the Counter Petitioners Thiru Nivash (25), and Thiru Suriya (26), had already been involved in the following criminal case in neighbouring Police Station of Puducherry.

1. Cr.No. 88/2019 under sections 120(b), 148, 341, 324, 307, 302, 109 IPC r/w 149 IPC and 3 of Explosive Substances Act, 1908 of Muthialpet Police Station, Puducherry – Pending Trial.

5. It is further stated in the I.R that the Counter Petitioners are young and very active notorious rowdy elements and have become a threat and menace to the innocent people and therefore, their criminal activities cannot be prevented by invoking the mere security proceedings under the Cr.P.C.

6. The Petitioner further submitted that if, the Counter Petitioners are allowed to reside in Puducherry limits, it is apprehended that they 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 of Cr.P.C., against the Counter Petitioners 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 Petitioners to show cause against the petition filed by the Petitioner. A notice was served to both the parties on 24-06-2021 to appear for the hearing on 01-07-2021 at 11.00 a.m. It was instructed to serve the notice to the Counter Petitioners through the Station House Officer, Lawspet Police Station, Puducherry. The notice for the Counter Petitioner Thiru Nivash, was received by his mother, Tmt. Manju. The notice for the Counter Petitioner Suriya was received by his father, Thiru K. Munusamy. The service was held sufficient for the Counter Petitioners.

8. On 01-07-2021, the Petitioner represented by Thiru Veerabathrasamy, Sub-Inspector, Lawspet Police Station, Puducherry, was present. The Counter Petitioners have failed to appear before the Court on hearing date.

9. 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 Nivash and Thiru Suriya are in such a manner that they may cause breach of peace and create a problem of law and order and public tranquility. They had involved in crimes such as murder, assault, unlawful activities and disturbance to the public peace and order. There is one criminal case registered against them in Muthialpet Police Station, Puducherry.

10. On perusal of the records submitted by the Petitioner and the recommendation of the Superintendent of Police (North), I am of the opinion that if, the Counter Petitioners are allowed to reside within the limits of my jurisdiction, the Counter Petitioners 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 Petitioners 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 No. 1 Thiru Nivash (25), son of Yuvaraj, a resident of No. 144, Edayanchavady Road, Karuvadikuppam, Lawspet, Puducherry and the Counter Petitioner No. 2 Thiru Suriya (26), son of Munusamy, a resident of No. 54, Annie Besant Nagar, Main Road, Navarkulam, Lawspet, 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 Petitioners may represent against this order before the undersigned by post or by Counsel.

At Puducherry, dated on the 1st day of July, 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. 218/2021, I.R.No. 82/2021 under section 144 of Cr.P.C./1698

ORDER

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

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

. . Petitioner

Vs

1. Thiru Sozhan @ Shozharajan (41),
S/o. Munusamy,
No. 26/59, MNGP Quarters,
Lawspet,
Puducherry.

2. Pandiyarajan @ Pandian (31),
S/o. Munusamy,
No. 313, Janani Blossom Apartment,
"M" Cross, Krishna Nagar,
Lawspet,
Puducherry.

. . Counter Petitioners

This petition along with case sheet is filed by the Station House Officer, represented by Thiru Veerabathrasamy, Sub-Inspector, Lawspet Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Sozhan @ Shozharajan and Thiru Pandiyarajan @ Pandian, 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 No. 1. is Thiru Sozhan @ Shozharajan, son of Munusamy, a resident of No. 26/59, MNGP Quarters, Lawspet, Puducherry and the Counter Petitioner No. 2. is Thiru Pandiyarajan @ Pandian, son of Munusamy, a resident of No. 313, Janani Blossom Apartment, M-Cross, Krishna Nagar, Lawspet, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case was referred by the Station House Officer, Lawspet Police Station, Puducherry, with the recommendation of the Superintendent of Police (North), Puducherry *vide* I.R.No. 82/2021 under section 144 of Cr.P.C., dated 11-06-2021. Therein, it has been stated that the Counter Petitioners have formed a gang of rowdies and bent upon indulging in crimes such as murder, dacoity, explosive act, Arms Act, hurt, violence, intimidation, assault, disturbance to the public tranquility and order. The Counter Petitioners have created panic in the minds of local inhabitants and the business people in the Lawspet Police Station, Puducherry, limits. As a result, the people of the locality being afraid of the Counter Petitioners do not come forward to lodge any complaint against them. It is also stated that even witnesses don't come forward voluntarily to give evidence against them in the cases where they are the accused.

4. The Petitioner further submitted that the Counter Petitioner No. 1 *viz.*, Thiru Sozhan @ Shozharajan, had already been involved in the following criminal cases in Lawspet Police Station, Puducherry and neighbouring Police Station of Puducherry and Tamil Nadu.

1. Cr.No. 187/2007 under sections 356, 379 IPC r/w 34 IPC @ 394 IPC r/w 34 IPC of Thavalakuppam Police Station, Puducherry – Pending Trial.
2. Cr.No. 108/2008 under sections 147, 148, 452, 302 IPC r/w 149 IPC, Section 3 (B) of Explosive Substances Act, 1908 @ 148, 449, 302, 404, 414, 212 IPC r/w 149 IPC of Reddiarpalayam Police Station, Puducherry – Pending Trial.
3. Cr.No. 44/2009 under section 27 of Arms Act, 506(ii) IPC of Lawspet Police Station, Puducherry – Pending Trial.
4. Cr.No. 26/2010 under section 143 IPC and Section 25(B-1) (b) of Arms Act, 1959 r/w 149 IPC of Thirubuvanai Police Station, Puducherry – Pending Trial.
5. Cr.No. 88/2010 under sections 427, 448, 506 (ii) IPC @ 427, 448, 506(ii) IPC r/w 34 IPC and Section 27 of Arms Act of Lawspet Police Station, Puducherry – Pending Trial.
6. Cr.No. 49/2010 under section 150 IPC and Section 27 of Arms Act of Lawspet Police Station, Puducherry – Pending Trial.
7. Cr.No. 170/2010 under sections 147, 148, 302, 109 IPC r/w 149 IPC, Section 3 of Explosive Substances Act, 1908 of Grand Bazaar Police Station, Puducherry – Pending Trial.
8. Cr.No. 8/2011 under sections 150, 399, 402 r/w 149 IPC and Section 27 (i) of Arms Act, 1859 of Lawspet Police Station, Puducherry – Pending Trial.
9. Cr.No. 55/2011 under section 324 IPC r/w 34 IPC of Kalapet Police Station, Puducherry – Convicted.
10. Cr.No. 291/2011 under section 27 of Arms Act and Section 34 B IX of PP Act of Lawspet Police Station, Puducherry – Pending Trial.
11. Cr.No. 199/2012 under sections 450, 347, 294, 354, 395, 397 IPC of Odiansalai Police Station, Puducherry – Pending Trial.
12. Cr.No. 88/2019 under sections 120(b), 148, 341, 324, 307, 302, 109 IPC r/w 149 IPC & 3 of Explosive Substances Act, 1908 of Muthialpet Police Station, Puducherry – Pending Trial.

5. The Counter Petitioner No. 2 *viz.*, Thiru Pandiyarajan @ Pandian, had already been involved in the following criminal cases in Lawspet Police Station, Puducherry, limits:

1. Cr.No. 01/2010 under section 27 of Arms Act 1959 of D'Nagar Police Station, Puducherry – Pending Trial.
2. Cr.No. 149/2010 under sections 150 IPC and 27 of Arms Act, 1959 of Lawspet Police Station, Puducherry – Pending Trial.
3. Cr.No. 8/2011 under sections 150, 399, 402 r/w 149 IPC and 27 (i) of Arms Act of Lawspet Police Station, Puducherry – Pending Trial.

4. Cr.No. 88/2019 under sections 120(b), 148, 341, 324, 307, 302,109 IPC r/w 149 IPC and of Explosive Substances Act, 1908 of Muthialpet Police Station, Puducherry – Pending Trial.

6. It is further stated in the I.R that the Counter Petitioners are young and very active notorious rowdy elements and have become a threat and menace to the innocent people and therefore, their criminal activities cannot be prevented by invoking the mere security proceedings under the Cr.P.C.

7. The petitioner further submitted that if, the Counter Petitioners are allowed to reside in Puducherry limits, it is apprehended that they 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 of Cr.P.C., against the Counter Petitioners 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.

8. The proceeding was started by affording an opportunity to the Counter Petitioners to show cause against the petition filed by the Petitioner. A notice was served to both the parties on 24-06-2021 to appear for the hearing on 01-07-2021 at 11.00 a.m. It was instructed to serve the notice to the Counter Petitioners through the Station House Officer, Lawspet Police Station, Puducherry. The notice for the Counter Petitioner Thiru Sozhan @ Shozharajan, was received by his wife, Tmt. S. Bhavani . The notice for the Counter Petitioner Thiru Pandiyarajan @ Pandian, was received by his wife, Tmt. Anusuya. The service was held sufficient for the Counter Petitioners.

9. On 01-07-2021, the Petitioner represented by Thiru Veerabathrasamy, Sub-Inspector, Lawspet Police Station, Puducherry, was present. The Counter Petitioners have failed to appear before the Court on hearing date.

10. 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. Sozhan @ Shozharajan and Thiru Pandiyarajan @ Pandian, are in such a manner that they may cause breach of peace and create a problem of law and order and public tranquility. They had involved in crimes such as murder, assault, unlawful activities and disturbance to the public peace and order. There are various criminal cases registered against them in various Police Stations.

11. On perusal of the records submitted by the Petitioner and the recommendation of the Superintendent of Police (North), I am of the opinion that if, the Counter Petitioners are allowed to reside within the limits of my jurisdiction, the Counter Petitioners 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 Petitioners to prevent harm to life and properties of citizens and uphold public 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 No. 1. Thiru Sozhan @ Shozharajan, son of Munusamy, a resident of No. 26/59, MNGP Quarters, Lawspet, Puducherry and the Counter Petitioner No. 2. Thiru Pandiyarajan @ Pandian, son of Munusamy, a resident of No. 313, Janani Blossom Apartment, M-Cross, Krishna Nagar, Lawspet, 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 Petitioners may represent against this order before the undersigned by post or by Counsel.

At Puducherry, dated on the 1st day of July, 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. 223/2021, I.R.No. 143/2021 under section 144 of Cr.P.C./1699

ORDER

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

State Represented by the Station House Officer,
D'Nagar Police Station,
Puducherry.

. . . Petitioner

Vs

Thiru Iyyanar (22),
S/o. Nagaraj,
No. 22, North Bharathipuram,
Shanmugapuram,
Puducherry.

. . . Counter Petitioner

This petition along with case sheet is filed by the Station House Officer, D'Nagar Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Iyyanar, 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 Iyyanar, son of Nagaraj, a resident of No. 22, North Bharathipuram, Shanmugapuram, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case submitted by the Station House Officer, D'Nagar Police Station, Puducherry, through the Superintendent of Police (North), Puducherry *vide* I.R.No. 143/2021

under section 144 of Cr.P.C., dated 16-06-2021. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and indulging in crime such as murder, attempt to murder, extortion 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 he is the accused. In this connection, the Petitioner had stated that the following criminal cases were registered against the Counter Petitioner.

1. Cr.No. 96/2018 under sections 399,402 IPC, dated 31-10-2018 of Mettupalayam Police Station, Puducherry.
2. Cr.No. 78/2018 under section 20(b) r/w 8(c) of NDPS Act, dated 20-09-2018 of Mettupalayam Police Station, Puducherry.
3. Cr.No. 15/2020 under section Man Missing @ 302 IPC r/w 34 IPC @ 147, 148, 120(B), 326, 364, 302, 212 IPC r/w 149 IPC, dated 05-02-2020 of Mettupalayam Police Station, Puducherry.
4. Cr.No. 69/2020 under sections 144 of Cr.P.C., 26-12-2020 of D'Nagar Police Station, Puducherry.
5. Cr.No. 332/2020 under sections 188, 506(ii) r/w 34 IPC and 34 BIX of PP Act and 27(1) of Arms Act, dated 19-11-2020 of D'Nagar Police Station, Puducherry.
6. Cr.No. 116/2020 under section 144 of Cr P.C., dated 26-12-2020.
7. Cr.No. 28/2021 under section 144 of Cr P.C., dated 02-03-2021.
8. Cr.No. 44/2021 under sections 363, 323, 324, 506(ii) r/w 34 IPC, dated 30-03-2021 of Mettupalayam Police Station, Puducherry.

4. It is also stated in the I.R that the Station House Officer has received reliable information that the Counter Petitioner along with his gang were planned for attacking his rival group to take revenge upon them and the Counter Petitioner is a notorious rowdy element and become a source of terror among the public. The Petitioner further stated that the Counter Petitioner has involved in various offences by using aruval, knife and explosive substances to attack the victims. It is also stated that the Counter Petitioner violated the conditions imposed by the Criminal Courts and have scant respect to the judiciary and rule of law.

5. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Puducherry urban limits, it is apprehended that he would continue to indulge in serious offences like murder, extortion, assault, obstructions and annoyance, damages to public and private properties, and thereby emerged as a perennial source of threat to the community and disturb public peace and tranquility. Hence, the Station House Officer, D'Nagar Police Station 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.

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 24-06-2021 to appear for the hearing on 06-07-2021 at 11.00 a.m. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, D'Nagar Police Station, Puducherry. The notice for the Counter Petitioner was received by his sister, Tmt. P. Abirami. The service was held sufficient for the Counter Petitioner.

7. On 06-07-2021 at 11.00 a.m. the Petitioner represented by Thiru Ganapathy, Assistant Sub-Inspector, D'Nagar Police Station, Puducherry and the Counter Petitioner were present.

8. 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 Iyyanar, 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 8 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.

9. Upon hearing both sides and on perusal of the records submitted by the Petitioner and the recommendation of the Superintendent of Police (North), 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, damages to public and private properties, obstructions, annoyance, *etc.*, and thereby become a perennial source of threat to the commumry 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 Iyyanar (22), son of Nagaraj, a resident of No. 22, North Bharathipuram, 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 Counter Petitioner may represent against this order before the undersigned by post or by Counsel.

At Puducherry, dated on the 6th day of July, 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. 226/2021, I.R.No. 146/2021 under section 144 of Cr.P.C./1701

ORDER

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

State Represented by the Station House Officer,
D'Nagar Police Station,
Puducherry.

. . . Petitioner

Vs

Thiru Vicky @ Karuppu Vicky (26),
S/o. Rajendiran,
No. 06, Kamban Street,
Kamaraj Nagar,
Gorimedu,
Puducherry.
(Present address:
No. 26, Karunajothi Street,
Iluppa Thoppu,
Veeman Nagar, Thilashpet,
Puducherry).

. . . Counter Petitioner

This petition along with case sheet is filed by the Station House Officer, represented by Thiru A. Govindarajan, Sub-Inspector, D'Nagar Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Vicky @ Karuppu Vicky, 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 Vicky @ Karuppu Vicky (26), son of Rajendiran, a resident of No. 06, Kamban Street, Kamaraj Nagar, Gorimedu, Puducherry. (Present address: No. 26, Karunajothi Street, Iluppa thoppu, Veeman Negar, Thilashpet, Puducherry).

3. *The facts which led up to the petition are briefly as follows:* The case submitted by the Station House Officer, D'Nagar Police Station through the Superintendent of Police (North), Puducherry *vide* I.R.No. 146/2021 under section 144 of Cr.P.C., dated 16-06-2021. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and indulging in crime such as murder, attempt to murder, extortion 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 he is the accused. In this connection, the Petitioner had stated that the following criminal cases were registered against the Counter Petitioner.

1. Cr.No. 293/2020 under sections 302 r/w34 IPC @ 147, 148, 302 r/w 149 IPC, dated 30-09-2020 of D'Nagar Police Station, Puducherry.
2. Cr.No. 113/2020 under section 144 of Cr.P.C., dated 25-12-2020 of D'Nagar Police Station, Puducherry.

4. It is also stated in the I.R that the Station House Officer has received reliable information that the Counter Petitioner along with his gang were planned for attacking his rival group to take revenge upon them. The Petitioner further stated that the Counter Petitioner has involved in various offences by using aruvul, knife and explosive substances to attack the victims and become a source of terror among the public. It is also stated that the Counter Petitioner violated the conditions imposed by the Criminal Courts and have scant respect to the judiciary and rule of law.

5. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Puducherry urban limits, it is apprehended that he would continue to indulge in serious offences like murder, extortion, assault, obstructions and annoyance, damages to public and private properties, and thereby emerged as a perennial source of threat to the community and disturb public peace and order. Hence, the Station House Officer, D'Nagar 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.

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 24-06-2021 to appear for the hearing on 06-07-2021 at 11.00 a.m. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, D'Nagar Police Station, Puducherry. The notice for the Counter Petitioner was received by his brother, Thiru Raj. The service was held sufficient for the Counter Petitioner.

7. On 06-07-2021 at 11.00 a.m. the Petitioner represented by Thiru Ganapathy, Assistant Sub-Inspector, D'Nagar 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 Vicky @ Karuppu Vicky, 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, unlawful activities and disturbance to the public peace and order. There are 2 criminal cases were registered against him in D'Nagar Police Station, Puducherry.

9. On perusal of the records submitted by the Petitioner and the recommendation of the Superintendent of Police (North), 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, damages to public and private properties, 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 Vicky @ Karuppu Vicky (26), son of Rajendiran, a resident of No. 06, Kamban Street, Kamaraj Nagar, Gorimedu, Puducherry. (Present address: No. 26, Karunajothi Street, Iluppa Thoppu, Veeman Nagar, Thilashpet, 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 the 6th day of July, 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. 227/2021, I.R.No. 147/2021 under section 144 of Cr.P.C./1700

ORDER

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

State Represented by the Station House Officer,
D'Nagar Police Station,
Puducherry.

. . Petitioner

Vs

Thiru Settu @ Ambrose (26),
S/o. Periyayakkasamy,
No. 11, Periyar Street,
Kamaraj Nagar,
Gorimedu,
Puducherry.

. . Counter Petitioner

This petition along with case sheet is filed by the Station House Officer, represented by Thiru A. Govindarajan, Sub-Inspector, D'Nagar Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Settu @ Ambrose, 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 Settu @ Ambrose (26), son of Periyayakkasamy, a resident of No. 11, Periyar Street, Kamaraj Nagar, Gorimedu, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case submitted by the Station House Officer, D'Nagar Police Station, Puducherry, through the Superintendent of Police (North), Puducherry *vide* I.R.No. 147/2021 under section 144 of Cr.P.C., dated 16-06-2021. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and indulging in crime such as murder, attempt to murder, extortion 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 he is the accused. In this connection, the Petitioner had stated that the following criminal cases were registered against the Counter Petitioner.

1. Cr.No. 240/2016 under sections 294 (B), 427, 506(ii) r/w 34 IPC @ 341, 294 (b), 427, 506(ii) r/w 34 IPC, dated 30-10-2016 of D'Nagar Police Station, Puducherry.
2. Cr.No. 512/2020 under sections 147, 341, 427, 307 r/w 149 IPC and 27(1) of Arms Act @ 147, 148, 341, 427, 307 IPC and 27(1) of Arms Act and Section 4(b) of Explosive Substances Act, 1908 r/w 149 IPC @ 109, 120 B, 147, 148, 341, 427, 307 IPC and section 4(b) of Explosive Substances Act, 1908 r/w 149 IPC, dated 19-11-2020 of Mudaliarpur Police Station, Puducherry.
3. IR.No. 88/2020 under section 107 of Cr.P.C., dated 17-11-2020 of D'Nagar Police Station, Puducherry.
4. Cr.No. 109/2020 under section 144 of Cr.P.C., dated 25-12-2020 of D'Nagar Police Station, Puducherry.
5. Cr.No. 22/2021 under section 144 of Cr.P.C., dated 27-02-2021 of D'Nagar Police Station, Puducherry.

4. It is also stated in the I.R that the Station House Officer has received reliable information that the Counter Petitioner along with his gang were planned for attacking his rival group to take revenge upon them and the Counter Petitioner is a notorious rowdy element and become a source of terror among the public. The Petitioner further stated that the Counter Petitioner has involved in various offences by using aruval, knife and explosive substances to attack the victims. It is also stated that the Counter Petitioner violated the conditions imposed by the Criminal Courts and have scant respect to the judiciary and rule of law.

5. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Puducherry urban limits, it is apprehended that he would continue to indulge in serious offences like murder, extortion, assault, obstructions and annoyance, damages to public and private properties, and thereby emerged as a perennial source of threat to the community and disturb public peace and order. Hence, the Station House Officer, D'Nagar 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.

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 24-06-2021 to appear for the hearing on 06-07-2021 at 11.00 a.m. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, D'Nagar Police Station, Puducherry. The notice for the Counter Petitioner was received by his sister, Tmt. P. Gracy. The service was held sufficient for the Counter Petitioner.

7. On 06-07-2021 at 11. 00 a.m. the Petitioner represented by Thiru Ganapathy, Assistant Sub-Inspector, D'Nagar 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 Settu Ambrose, 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 attempt to murder, assault, unlawful activities and disturbance to the public peace and order. There are 5 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), 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, damages to public and private properties, 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 Settu @ Ambrose (26), son of Periyayakkasamy, a resident of No. 11, Periyar Street, Kamaraj Nagar, Gorimedu, 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 6th day of July, 2021, pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).