



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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		Puducherry	Friday	30th	July	2021

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

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

M.C. No. 244/2021, I.R.No. 100/2021 under section 144 of Cr.P.C./1850

ORDER

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

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

. . . Petitioner

Vs

Thiru Aswin (24),
S/o. Illangovan,
Pillaiyar Koil Street, 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 Aswin 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 Aswin (24), son of Illangovan, a resident of Pillaiyar Koil Street, Odaiveli, Ariyankuppam, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case was submitted by the Station House Officer, Ariyankuppam Police Station, Puducherry, through the Superintendent of Police (South), Puducherry *vide* I.R.No. 100/2021 under section 144 of Cr.P.C., dated 11-06-2021. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent upon indulging in crimes such as murder, attempt to murder, dacoity, hurt, riot, explosive cases. 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. 367/2009 under sections 302 IPC r/w 34 IPC and section 3 of Explosive Substances Act, 1908, dated 24-12-2009 of Mudaliarpot Police Station, Puducherry.
2. Cr.No. 192/2010 under section 25 (1)(a) Arms Act, 1959, dated 25-06-2010 of Town Police Station, Karaikal.
3. Cr.No. 123/2011 under section 25 (1)(a) of Arms Act, 1959, dated 04-09-2011 of Thavalakuppam Police Station, Puducherry.
4. Cr.No. 292/2011 under section 25(1)(a) of Arms Act, 1959, dated 04-12-2011 of Ariyankuppam Police Station, Puducherry.
5. Cr.No. 151/2011 under section 392 IPC r/w 34 IPC @ 395 IPC, dated 12-06-2011 of Ariyankuppam Police Station, Puducherry.
6. Cr.No. 31/2012 under sections 397 IPC, dated 19-01-2012 of Auroville Police Station, Tamil Nadu.
7. Cr.No. 13/2012 under sections 392, 427 IPC r/w 34 IPC @ 395, 427 IPC r/w 109 IPC dated 29-01-2012 of Thirubuvanai Police Station, Puducherry.
8. Cr.No. 49/2013 under sections 392 IPC r/w 34 IPC @ 395, 109 IPC, dated 26-04-2013 of Thirubuvanai Police Station, Puducherry.
9. Cr.No. 91/2013 under sections 341, 324, 506(ii) IPC r/w 34 IPC, dated 28-06-2013, 2011 of Ariyankuppam Police Station, Puducherry.
10. Cr.No. 90/2013 under section 147, 449, 342, 332, 506 (ii) and 120 (b) IPC r/w 149 IPC and 27 of Arms Act, 1959, dated 29-08-2013 of Yanam Police Station, Yanam.

11. Cr.No. 488/2016 under section 399 IPC, dated 04-08-2016 of Kottakuppam Police Station, Tamil Nadu.
12. Cr.No. 163/2016 under sections 3 of Explosive Substances Act, 1908, dated 16-09-2016 of Mudaliarpet Police Station, Puducherry.
13. Cr.No. 75/2010 under sections 148, 324, 323, 506 (ii) IPC r/w 149 IPC, dated 14-05-2010 of Ariyankuppam Police Station, Puducherry.
14. Cr.No. 406/2016 under sections 147, 148, 302, 324, 120-B IPC r/w 149 IPC and 25 (i-a), 27 (i) of Arms Act and 3, 5, 6 of Explosive Substances Act, 1908, dated 04-10-2016 of Villupuram Town Police Station, Tamil Nadu.
15. Cr.No. 18/2016 under sections 147, 148, 341, 109, 307 IPC and 3 of POPPD Act, r/w 3 (a) and 4 (a), 5 r/w 6 of Explosive Substances Act, 1908, dated 22-01-2016 of Villupuram Town Police Station, Tamil Nadu.
16. Cr.No. 33/2016 under sections 307 IPC r/w 34 IPC @ 307, 120(b) r/w 149 IPC, dated 19-06-2016 of Neravy Police Station, Karaikal.
17. Cr.No. 62/2016 under sections 324, 506 (ii) IPC r/w 34 IPC @ 392 IPC r/w 34 IPC, dated 22-05-2016 of Lawspet Police Station, Puducherry.
18. Cr.No. 102/2018 under sections 356, 379 IPC r/w 34 IPC, dated 13-07-2018 of Ariyankuppam Police Station, Puducherry.
19. Cr.No. 138/2019 under sections 147, 148, 302 IPC and 3 of Explosive Substances Act, 1908 r/w 149 IPC @ under section 120 (b), 147, 148, 302 IPC and 3, 4 of Explosive Substances Act, 1908 r/w 149 IPC, dated 06-11-2019 of Ariyankuppam Police Station, Puducherry.

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, and explosive substances 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, the Counter Petitioner is allowed to reside in Ariyankuppam limits, it is apprehended that he would continue to indulge in serious offences like murder, extortion, 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 Petitioners to show cause against the petition filed by the Petitioner. A notice was served to both the parties on 30-06-2021 to appear for the hearing on 19-07-2021 and 22-07-2021 at 11.00 a.m. 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 brother, Thiru Dhinakaran. The service was held sufficient for the Counter Petitioner.

8. On 22-07-2021, the Petitioner represented by Thiru L. Coumar, Sub-Inspector of Police, Ariyankuppam Police Station, Puducherry, was present. The Counter Petitioner has 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 Aswin 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 19 criminal cases were registered against him in various Police Stations.

10. 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, the Counter Petitioner will continue to indulge in and also motivate serious offences like murder, 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.

11. 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 Aswin (24), son of Illangovan, a resident of Pillaiyar Koil Street, Odaiveli, 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 the 22nd 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. 246/2021, I.R.No. 107/2021 under section 144 of Cr.P.C./1851

ORDER

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

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

. . . Petitioner

Vs

Thiru Sathish Kumar @ Sathish @ Thangaram Sathish (22),
S/o. Pachayappan,
No. 15, Lenin Street, Subbaiya Nagar,
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 Sathish Kumar @ Sathish @ Thangaram Sathish, 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 Sathish Kumar @ Sathish @ Thangaram Sathish (22), son of Pachayappan, a resident of No. 15, Lenin Street, Subbaiya Nagar, Ariyankuppam, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case was submitted by the Station House Officer, Ariyankuppam Police Station, Puducherry, through the Superintendent of Police (South), Puducherry *vide* I.R.No. 107/2021 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 bent up on indulging in crimes such as ganja, hurt, riot cases. 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. 18/2017 under sections 294(b), 323, 324, 506(ii) r/w 34 IPC – Pending Trial.
2. Cr.No. 166/2017 under sections 341, 294(b), 323, 324 r/w 34 IPC, dated 30-10-2017 – Pending Trial.
3. Cr.No. 148/2018 under sections 448, 294(b), 427, 324, 506(ii) IPC r/w 149 IPC – Pending Trial.
4. Cr.No. 338/2020 under sections 20(b) NDPS Act, r/w 8(c) of NDPS Act, of 1985 and section 77 of Juvenile Justice Act 2015, dated 28-07-2020 – Under Investigation.

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, and explosive substances 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, the Counter Petitioner is allowed to reside in Ariyankuppam limits, it is apprehended that he would continue to indulge in serious offences like murder, extortion, 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 30-06-2021 to appear for the hearing on 19-07-2021 and 22-07-2021 at 11.00 a.m. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Ariyankuppam Police Station, Puducherry. The notice was received by the Counter Petitioner.

8. On 22-07-2021, the Petitioner represented by Thiru L. Coumar, Sub-Inspector of Police, Ariyankuppam Police Station, Puducherry and the Counter Petitioner were 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 Sathish Kumar @ Sathish @ Thangaram Sathish, 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 are 4 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. Up on 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, the Counter Petitioner will continue to indulge in and also motivate serious offences like murder, 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.

11. 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 Sathish Kumar @ Sathish @ Thangaram Sathish (22), son of Pachayappan, a resident of No. 15, Lenin Street, Subbaiya Nagar, 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 the 22nd 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. 247/2021, I.R.No. 93/2021 under section 144 of Cr.P.C./1852

ORDER

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

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

. . . Petitioner

Vs

1. Thiru Manikandan @ Mandai Manikandan (27),
S/o. Selvarasu,
Gandhi Street, Shanthi Nagar,
Lawspet, Puducherry.

2. Thiru Vinoth @ Mananna Vinoth (23),
S/o. Veerappan,
No. 55, Oothukattu Mariamman Koil Street,
Chellaperumalpet, Lawspet, Puducherry.

. . . Counter Petitioners

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 Manikandan @ Mandai Manikandan and Thiru Vinoth @ Mananna Vinoth 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, Manikandan @ Mandai Manikandan (27), son of Selvarasu, a resident of Gandhi Street, Shanthi Nagar, Lawspet, Puducherry, and the Counter Petitioner No. 2, Vinoth @ Mananna Vinoth (23), son of Veerappan, a resident of No. 55, Oothukattu Mariamman Koil Street, Chellaperumalpet, Lawspet, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case was referred by the Inspector of Police, Lawspet Police Station, Puducherry, with the recommendation of the Superintendent of Police (North), Puducherry *vide* I.R.No. 93/2021 under section 144 of Cr.P.C., dated 21-06-2021. Therein, it has been stated that the Counter Petitioners have formed a gang of rowdies and bent up on indulging in crimes such as murder, attempt to murder, hurt, Arms Act, decoity, 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 locality 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, Manikandan @ Mandai Manikandan (27) had already been involved in the following criminal cases in Lawspet Police Station, Puducherry and neighbouring Police Stations of Puducherry.

1. Cr.No. 81/2010 under sections 323, 294, 447, 506 (ii) r/w 34 IPC of Lawspet Police Station, Puducherry – Pending Trial.
2. Cr.No. 125/2010 under sections 448, 427, 387, 506 (ii) IPC r/w 34 IPC of Lawspet Police Station, Puducherry – Pending Trial.
3. Cr.No. 133/2010 under sections 341, 324, 387, r/w 34 IPC of Lawspet Police Station, Puducherry – Pending Trial.
4. Cr.No. 207/2010 under sections 341, 294, 324, 323, 506 (ii) r/w 34 IPC of Lawspet Police Station, Puducherry – Pending Trial.
5. Cr.No. 2/2011 under sections 294, 324, 506 (ii) r/w 34 IPC of Lawspet Police Station, Puducherry – Pending Trial.
6. Cr.No. 34/2012 under sections 147, 148, 341, 427, 307, 109 IPC r/w 149 IPC Lawspet Police Station, Puducherry – Pending Trial.
7. Cr.No. 80/18 under sections 427, 384, 506 (ii) IPC r/w 34 IPC of Lawspet Police Station, Puducherry – Pending Trial.
8. Cr.No. 252/18 under sections 147, 148, 294 (b), 341, 307 r/w 149 IPC of Dhanvantri Nagar Police Station, Puducherry – Pending Trial.
9. Cr.No. 50/2019 under sections 120-B r/w 302, 144 IPC r/w 149 IPC and 27(i) of Arms Act and 3 of Explosive Substances Act of Bahour Police Station, Puducherry – Pending Trial.

5. The Counter Petitioner No. 2 *viz.*, Vinoth @ Mananna Vinoth (23) had already been involved in the following criminal cases in Lawspet Police Station, Puducherry and neighbouring Police Stations of Puducherry.

1. Cr.No. 18/2015 under sections 399, 402 IPC of Lawspet Police Station, Puducherry – Pending Trial.
2. Cr.No. 156/2015 under sections 147, 148, 341, 449, 302 IPC r/w 149 IPC of Villianur Police Station, Puducherry – Pending Trial.
3. Cr.No. 104/2019 under sections of Explosives Substances Act, 1908 r/w 34 IPC @ 147, 148, 436, 307 IPC r/w 149 IPC and 3, 5 of Explosive Substances Act, 1908 – Under Investigation.

6. It is also stated in the I.R that the Petitioner has received reliable information that the Counter Petitioners are hatching plans to indulge in unlawful activities in the Lawspet Police Station limits and extort money by threatening. 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 30-06-2021 to appear for the hearing on 19-07-2021 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 was received by the Counter Petitioner No. 1 *viz.* Thiru Manikandan @ Mandai Manikandan. The notice for the Counter Petitioner No. 2 *viz.* Thiru Vinoth @ Mananna Vinoth was served by affixing it at his house due to absence of the Counter Petitioner at his house. The service was held sufficient for the Counter Petitioners.

9. On 19-07-2021, 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 Manikandan @ Mandai Manikandan and Thiru Vinoth @ Mananna Vinoth 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.

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 peace and order;

12. 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 Manikandan @ Mandai Manikandan (27), son of Selvarasu, a resident of Gandhi Street, Shanthi Nagar, Lawspet, Puducherry, and the Counter Petitioner No. 2 Thiru Vinoth @ Mananna Vinoth (23), son of Veerappan, a resident of No. 55, Oothukattu Mariamman Koil Street, Chellaperumalpet, 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 19th 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. 248/2021, I.R.No. 95/2021 under section 144 of Cr.P.C./1553

ORDER

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

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

.. Petitioner

Vs

1. Vetri @ Vetri Murugan (24),
S/o. Muthu,
No. 59, Edayanchavady Road,
Karuvadikuppam, Lawspet, Puducherry.

2. Mohanraj (23),
S/o. Selvam,
Ponnamman Koil Street, Karuvadikuppam,
Lawspet, Puducherry.
3. Deva @ Devaraj (24),
S/o. Perumal,
No. 2, Dr. Ramadass Street,
Nerupukuzhi, Lawspet, Puducherry. . . Counter Petitioners

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 Vetri @ Vetri Murugan, Thiru Mohanraj and Thiru Deva @ Devaraj 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 Vetri @ Vetri Murugan (24), son of Muthu, a resident of No. 59, Edayanchavady Road, Karuvadikuppam, Lawspet, Puducherry, the Counter Petitioner No. 2 is Thiru Mohanraj (23), son of Selvam, a resident of Ponnamman Koil Street, Karuvadikuppam, Lawspet, Puducherry and the Counter Petitioner No. 3 is Thiru Deva @ Devaraj (24), son of Perumal, a resident of No. 2, Dr. Ramadass Street, Nerupukuzhi, Lawspet, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case was referred by the Inspector of Police, Lawspet Police Station, Puducherry, with the recommendation of the Superintendent of Police (North), Puducherry *vide* I.R.No. 95/2021 under section 144 of Cr.P.C., dated 21-06-2021. Therein, it has been stated that the Counter Petitioners have formed a gang of rowdies and bent up on indulging in crimes such as murder, attempt to murder, Arms act, 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 Counter Petitioner No. 1 *viz.* Thiru Vetri @ Vetri Murugan (24) and Counter Petitioner No. 2 *viz.* Thiru Mohanraj (23) had already been involved in the following criminal cases in neighbouring Police Stations of Puducherry.

1. Cr.No. 65/2018 under sections 147, 148, 326, 307, IPC r/w 149 IPC of Muthialpet Police Station, Puducherry.
2. Cr.No.294/2019 under sections 147, 148, 307, 302, 120(B), 352, 324, 326 r/w 149 of Vadalur Police Station, Tamil Nadu.

5. The Counter Petitioner No. 3 *viz.* is Thiru Deva @ Devaraj (24) had already been involved in the following criminal case in Lawspet Police Station, Puducherry and neighbouring Police Stations of Puducherry.

1. Cr.No. 11/2016 under sections 341, 307 IPC r/w 34 IPC of Lawspet Police Station, Puducherry – Pending Trial.

2. Cr.No.33/2019 under sections 399, 402 IPC and 27 of Arms Act 1959 @ 399, 402 IPC and 3 of Explosive Substances Act, 1908, dated 19-03-2019 of Lawspet Police Station, Puducherry – Under Investigation.
3. Cr.No. 294/2019 under sections 147,148, 307, 302, 120(B), 352, 324, 326 r/w 149 of Vadalur Police Station, Tamil Nadu – Pending Trial.

6. It is also 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 notices were served to all the parties on 30-06-2021 to appear for the hearing on 19-07-2021 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 notices were served to the Counter Petitioners Thiru Vetri @ Vetri Murugan and Thiru Mohanraj. The notice for the Counter Petitioner Thiru Deva @ Devaraj was received by his relative, Tmt. R. Jeeva. The service was held sufficient for the Counter Petitioners.

9. On 19-07-2021, 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 Vetri @ Vetri Murugan, Thiru Mohanraj and Thiru Deva @ Devaraj 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.

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 peace and order;

12. 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 is Thiru Vetri @ Vetri Murugan (24), son of Muthu, a resident of No. 59, Edayanchavady Road, Karuvadikuppam, Lawspet, Puducherry, the Counter Petitioner No. 2 is Thiru Mohanraj (23), son of Selvam, a resident of Ponniamman Koil Street, Karuvadikuppam, Lawspet, Puducherry and the Counter Petitioner No. 3 is Thiru Deva @ Devaraj (24), son of Perumal, a resident of No. 2, Dr. Ramadass Street, Nerupukuzhi, 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 19th day of July, 2021, pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).
