



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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No.	47 Poudouchéry	Mardi	5	Avril	2022 (15 Chaitra 1944)
No.	Puducherry	Tuesday	5th	April	2022

IN THE COURT OF SUBDIVISIONAL MAGISTRATE (NORTH)
AT PUDUCHERRY

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

M.C. No. 42/2022, I.R.No. 5/2022 under section 144 of Cr.P.C./985

ORDER

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

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

.. Petitioner

Vs

Thiru Elladai @ Arun (24),
S/o. Ezhumalai,
No. 19, Gangai Amman 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 Elladai @ Arun 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 Elladai @ Arun (24), son of Ezhumalai a resident of No. 19, Gangai Amman Koil Street, Karuvadikuppam, Lawspet, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case referred by the Sub-Inspector of Police, Lawspet Police Station, Puducherry, with the recommendation of the Superintendent of Police (North), Puducherry *vide* I.R.No. 05/2022 under section 144 of Cr.P.C., dated 18-02-2022. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent upon indulging in crime such as murder, robbery case, 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, Puducherry 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 cases were registered against the Counter Petitioner.

1. Cr.No. 128/2017 under sections 427, 506(II) r/w 34 IPC of Lawspet Police Station, Puducherry – Pending Trial
2. Cr.No. 13/2020 under sections 143, 120(b), IPC and 27 Arms Act, 1959 and 5 of Explosive Substances Act, 1908 r/w 149 IPC – Pending Trial.
3. Cr.No. 45/2021 under sections 294(b), 324, 506(ii) IPC r/w 34 IPC of Lawspet Police Station, Puducherry – Pending Trial.
4. Cr.No. 06/2022 under sections 147, 148, 427, 506(II) r/w 149 IPC – Under Investigation.

4. The Petitioner has also submitted that the Counter Petitioner is a 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.

5. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Puducherry, 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 23-03-2022 to appear for the hearing on 29-03-2022. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Lawspet Police Station, Puducherry. The notice for the Counter Petitioner was received by his mother Tmt. Malar. The service was held sufficient for the Counter Petitioner.

7. On 29-03-2022, the Petitioner, represented by Thiru G. Kumar, Assistant Sub-Inspector of Police, 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 Elladai @ Arun (24) 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.

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, the 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.

10. Hence, I, M. Kandasamy, do hereby in the capacity of Subdivisional Magistrate (North), Puducherry, in exercise of the powers conferred under section 144(1) of the Code of Criminal Procedure, pass this order and prohibit the Counter Petitioner Thiru Elladai @ Arun (24), son of Ezhumalai a resident of No. 19, Gangai Amman Koil Street, Karuvadikuppam, 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 Petitioner may represent against this order before the undersigned by post or by Counsel.

At Puducherry, dated on this 29th day of March, 2022, pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).

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

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

M.C. No. 43/2022, I.R.No. 6/2022 under section 144 of Cr.P.C./984

ORDER

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

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

. . . Petitioner

Vs

Thiru Balaji @ Kuska Balaji (25),
S/o. Settu,
Nagammal Koil Street,
Edayanchavady Road, 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 Balaji @ Kuska Balaji 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 Balaji @ Kuska Balaji (25), son of Settu a resident of Nagammal Koil Street, Edayanchavady Road, Karuvadikuppam, Lawspet, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case referred by the Sub-Inspector of Police, Lawspet Police Station, Puducherry, with the recommendation of the Superintendent of Police (North), Puducherry *vide* I.R.No. 06/2022 under section 144 of Cr.P.C., dated 18-02-2022. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent upon indulging in crime such as murder, robbery case, 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, Puducherry 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 cases were registered against the Counter Petitioner.

1. Cr.No. 208/2018 under section 20(b) (ii) (B) of NDPS Act r/w 8 (c) of NDPS Act, 1985 of Villianur Police Station, Puducherry – Pending Trial

2. Cr.No. 61/2019 under section 363 IPC r/w 4 IPC and sections 9, 10 of Prohibition of Child Marriage Act, 2006 of Lawspet Police Station, Puducherry – Pending Trial
3. Cr.No. 89/2021 under sections 144, 120 (B) (1) IPC r/w 149 IPC, 25(1)(A) of Arms Act, 1959, 4(b) of Explosive Substances Act, 1908 of Lawspet Police Station, Puducherry – Under Investigation.
4. The Petitioner has also submitted that the Counter Petitioner is a 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.
5. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Puducherry, 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 23-03-2022 to appear for the hearing on 29-03-2022. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Lawspet Police Station, Puducherry. The notice for the Counter Petitioner was received by his mother Tmt. Vasanthi. The service was held sufficient for the Counter Petitioner.
7. On 29-03-2022, the Petitioner, represented by Thiru G. Kumar, Assistant Sub-Inspector of Police, 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 Balaji @ Kuska Balaji (25) 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 3 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, the 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.

10. Hence, I, M. Kandasamy, do hereby in the capacity of Subdivisional Magistrate (North), Puducherry, in exercise of the powers conferred under section 144(1) of the Code of Criminal Procedure, pass this order and prohibit the Counter Petitioner Thiru Balaji @ Kuska Balaji (25), son of Settu a resident of Nagammal Koil Street, Edayanchavady Road, Karuvadikuppam, 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 Petitioner may represent against this order before the undersigned by post or by Counsel.

At Puducherry, dated on this 29th day of March, 2022, pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).

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

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

M.C. No. 46/2022, I.R.No. 09/2022 under section 144 of Cr.P.C./983

ORDER

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

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

.. Petitioner

Vs

Thiru Arun @ Arunkumar (22),
S/o. Arjunan,
No. 4, Mettu Street, Karuvadikuppam,
Puducherry.

.. Counter Petitioner

This petition along with case sheet is filed by the Sub-Inspector of Police, Lawspet Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Arun @ Arunkumar 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 Arun @ Arunkumar (22), son of Arjunan a resident of No. 4, Mettu Street, Karuvadikuppam, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case referred by the Sub-Inspector of Police, Lawspet Police Station, Puducherry, with the recommendation of the Superintendent of Police (North), Puducherry *vide* I.R.No. 09/2022 under section 144 of Cr.P.C., dated 19-02-2022. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent upon indulging in crime such as murder, robbery, 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, Puducherry 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 cases were registered against the Counter Petitioner.

1. Cr.No. 61/2019 under section 363 IPC @ 363 r/w 34 IPC and 9 & 10 of Child Marriage Act of Lawspet Police Station, Puducherry – Pending Trial.
2. Cr.No. 114/2019 under sections 147, 148, 294 (b), 324, 392, 427, 506 (II) IPC r/w 149 IPC of Lawspet Police Station, Puducherry – Under Investigation.
3. Cr.No. 490/2020 under sections 341, 302 r/w 34 IPC @ 148, 341, 302 r/w 149 IPC Kottakuppam Police Station, Tamil Nadu – Pending Trial.
4. Cr.No. 04/2021 under sections 294(b), 324, 506 (ii) IPC r/w 34 IPC @ 392 IPC of Lawspet Police Station, Puducherry – Under Investigation.
5. Cr.No. 169/2021 under section 120(B) IPC r/w 34 IPC, 25(1)(A) of Arms Act, 1959 and 4(b) of Explosive Substances Act, 1908 @ 25(1)(A) of Arms Act, 1959 and 5 of Explosive Substances Act, 1908 r/w 120(B) IPC – Under Investigation.

4. It is also stated in the I.R. that the Petitioner have received reliable information that the Counter Petitioner are hatching plans to indulge in unlawful activities in the Lawspet limits and extort money by threatening. It is further stated in the I.R. that the Counter Petitioner is a 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.

5. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Puducherry, 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 23-03-2022 to appear for the hearing on 30-03-2022 at 10.00 a.m. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Lawspet Police Station, Puducherry. The notice for the Counter Petitioner was received by his mother Tmt. Malar. The service was held sufficient for the Counter Petitioner.

7. On 30-03-2022, the Station House Officer, represented by Thiru G. Kumar, Assistant Sub-Inspector of Police, Lawspet 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 Arun @ Arunkumar (22) 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 5 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, the 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.

10. Hence, I, M. Kandasamy, do hereby in the capacity of Subdivisional Magistrate (North), Puducherry, in exercise of the powers conferred under section 144(1) of the Code of Criminal Procedure, pass this order and prohibit the Counter Petitioner Thiru Arun @ Arunkumar (22), son of Arjunan a resident of No. 4, Mettu Street, Karuvadikuppam, 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 30th day of March, 2022, pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).

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

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

M.C. No. 47/2022, I.R.No. 10/2022 under section 144 of Cr.P.C./987

ORDER

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

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

. . . Petitioner

Vs

Thiru Santhosh @ Vasanth (19),
S/o. Murugan,
No. 03, 3rd Cross, Vanginathan Nagar,
Samipillaithottam, Lawspet, Puducherry.

. . . Counter Petitioner

This petition along with case sheet is filed by the Sub-Inspector of Police, Lawspet Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Santhosh @ Vasanth 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 Santhosh @ Vasanth (19), son of Murugan a resident of No. 03, 3rd Cross, Vanginathan Nagar, Samipillaithottam, Lawspet, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case was referred by the Sub-Inspector of Police, Lawspet Police Station, Puducherry, with the recommendation of the Superintendent of Police (North), Puducherry *vide* I.R.No. 10/2022 under section 144 of Cr.P.C., dated 20-02-2022. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent upon indulging in crimes such as murder, robbery, 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, Puducherry 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 cases were registered against the Counter Petitioner.

1. Cr. No. 114/2020 under sections 147, 148, 294 (b), 324, 392, 427, 506(II) IPC r/w 149 IPC of Lawspet Police Station, Puducherry – Under Investigation.
2. Cr. No. 04/2021 under sections 294(b), 324, 506 (ii) IPC r/w 34 IPC of Lawspet Police Station, Puducherry – Under Investigation.

3. Cr. No. 169/2021 under section 120(B) IPC r/w 34 IPC, 25(1)(A) of Arms Act, 1959 and 4(b) of Explosive Substances Acts 1908 @ 25(1)(A) of Arms Act, 1959 and 5 of Explosive Substances Act, 1908 r/w 120(B) IPC – Under Investigation.

4. It is also stated in the I.R. that the Petitioner have received reliable information that the Counter Petitioner are hatching plans to indulge in unlawful activities in the Lawspet limits and extort money by threatening. It is further stated in the I.R. that the Counter Petitioner is a 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.

5. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Puducherry, 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 23-03-2022 to appear for the hearing on 30-03-2022 at 10.00 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 30-03-2022, the Station House Officer, represented by Thiru G. Kumar, Assistant Sub-Inspector of Police, Lawspet 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 Santhosh @ Vasanth (19) 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 3 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.

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, the 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.

10. Hence, I, M. Kandasamy, do hereby in the capacity of Subdivisional Magistrate (North), Puducherry, in exercise of the powers conferred under section 144(1) of the Code of Criminal Procedure, pass this order and prohibit the Counter Petitioner Thiru Santhosh @ Vasanth (19), son of Murugan a resident of 03, 3rd Cross, Vanginathan Nagar, Samipillaithottam, 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 Petitioner may represent against this order before the undersigned by post or by Counsel.

At Puducherry, dated on this 30th day of March, 2022, pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).

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

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

M.C. No. 48/2022, I.R.No. 11/2022 under section 144 of Cr.P.C./986

ORDER

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

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

.. Petitioner

Vs

Thiru Mohanraj (23),
S/o. Selvam,
Ponniamman Koil Street, Karuvadikuppam,
Lawspet, Puducherry.

.. Counter Petitioner

This petition along with case sheet is filed by the Sub-Inspector of Police, Lawspet Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Mohanraj 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 Mohanraj (23), son of Selvam a resident of Ponniamman Koil Street, Karuvadikuppam, Lawspet, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case was referred by the Sub-Inspector of Police, Lawspet Police Station, Puducherry, with the recommendation of the Superintendent of Police (North), Puducherry vide I.R.No. 11/2022 under section 144 of Cr.P.C., dated 20-02-2022. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent upon indulging in crimes such as murder, robbery case, 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, Puducherry 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 cases were registered against the Counter Petitioner.

1. Cr.No. 65/2018 under sections 147, 148, 326, 307 IPC r/w 149 IPC of Muthialpet Police Station, Puducherry – Pending Trial.
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 – Pending Trial.

4. The Petitioner has also submitted that the Counter Petitioner is a 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.

5. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Puducherry, 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 23-03-2022 to appear for the hearing on 30-03-2022. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Lawspet Police Station, Puducherry. The notice for the Counter Petitioner was received by his mother Tmt. Kodiyarasi. The service was held sufficient for the Counter Petitioner.

7. On 30-03-2022, the Petitioner, represented by Thiru G. Kumar, Assistant Sub-Inspector of Police, 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 Mohanraj (23) 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 2 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, the 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.

10. Hence, I, M. Kandasamy, do hereby in the capacity of Subdivisional Magistrate (North), Puducherry, in exercise of the powers conferred under section 144(1) of the Code of Criminal Procedure, pass this order and prohibit the Counter Petitioner Thiru Mohanraj (23), son of Selvam a resident of Ponniamman Koil Street, Karuvadikuppam, 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 Petitioner may represent against this order before the undersigned by post or by Counsel.

At Puducherry, dated on this 30th day of March, 2022, pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).