



புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry

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PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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அதிகாரம் பெற்ற
வெளியீடு

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No. }	Puducherry	Friday	8th	April	2022

IN THE COURT OF SUBDIVISIONAL MAGISTRATE AT KARAIKAL

M.C. No. 06/2022/02-02-2022/305

(I.R. No. 03/2022 of the Thirunallar Police Station,
dated 28-01-2022 received in this Court on 31-01-2022)

Station House Officer,
Thirunallar Police Station,
Karaikal.

. . Petitioner

Thiru Kaliyamoorthy,
S/o. Annasamy,
No. 35, Aranganagar,
Thirunallar,
Karaikal.

. . Counter Petitioner

PROHIBITORY ORDER
(Under Sections 144 (i), (ii) and (iii) of Cr.P.C.)

Whereas, one information under I.R. No. 03/2022 of the Thirunallar Police Station, Karaikal, dated 28-01-2022 was received in this Court on 31-01-2022 as a special report filed by the Station House Officer concerned under section 144 of Cr.P.C., The report filed by the Station House Officer, Thirunallar Police Station, Karaikal, goes on to describe the criminal activities of the Counter Petitioner namely, Thiru Kaliyamoorthy, son of Annasamy, who is allegedly had master minded the brutal killing of the deceased namely, K.Devamani. He had conspired with murder accused, one Manimaran (A1) to carry out the murder of the deceased. He had personally hired the rowdy elements being the other accused from Mayiladuthurai, Tamil Nadu, in connivance his friends like Manimaran @ Mani to commit the murder of the deceased K.Devamani. He is reported to have planned to indulge in serious offences like, extortion, hurt, criminal intimidation and thereby would become a perennial source of threat to the community and disturbance to the public tranquility.

2. The Petitioner has also submitted that the Counter Petitioner Thiru Kaliyamoorthy, is involved in the murder case of Devamani in Cr.No. 160/2021 under sections 148, 302, 307 IPC r/w 149 IPC @ 148, 302, 307, 120(B), 109 IPC r/w 149 IPC @ 148, 302, 307, 324, 120(B), 109 IPC r/w 149 IPC and is a permanent resident of Thirunallar which comes under the territorial jurisdiction of this authority. He is a retired S S I from Tamil Nadu Police. He is also reported to have been the master mind of the murder case and he had conspired with the co-accused to carry out the murder of Devamani in order to set some score on personal enmity with the deceased. The Counter Petitioner is reported to have designed and planned to eliminate the complainant of the murder and also the main witnesses of the murder case of Devamani. The Counter Petitioner along with the co-accused had planned one and half month before committing the offence. The Counter Petitioner had reportedly received ₹ 35,000 from the accused Manimaran @ Mani and in turn he had paid ₹ 25,000 to the co-accused Charles @ Saran Raj and also kept ₹ 10,000-00 for himself.

3. Whereas, the information laid by the Station House Officer, Thirunallar Police Station, Karaikal, under section 144 of Cr.P.C., who has listed out the record of previous case registered against the Counter petitioner as detailed in the special report filed by the Station House Officer, Thirunallar Police Station, Karaikal *vide* I.R. No. 03/2022, dated 28-01-2022 under section 144 of Cr.P.C., in which a case has been registered under Crime Number 160/2021 under sections 148, 302, 307 IPC r/w 149 IPC @ 148, 302, 307, 120(B), 109 IPC r/w 149 IPC @ 148, 302, 307, 324, 120(B), 109 IPC r/w 149 IPC of Thirunallar Police Station, Karaikal and the Counter Petitioner was arrested and remanded to the Judicial custody by the Hon'ble Court of JM-II at Karaikal and then he was lodged in the Central Jail, Kalapet, Puducherry. The Station House Officer of Thirunallar Police Station, Karaikal, also states that the Counter Petitioner namely, Thiru Kaliyamoorthy, has been listed as accused (A-2) in this case while the crime investigation has been completed and the case has been charge-sheeted on 21-01-2022 *vide* Charge-sheet No. 3/2022 and the case remains Pending Trial before the Hon'ble JM-II Court, Karaikal *vide* PRC No. 1/2022.

4. Whereas, it has been brought to the notice of this Court that the Counter Petitioner Thiru Kaliyamoorthy was granted bail by the Hon'ble High Court of Judicature at Madras in CrI.OP.No. 6585 of 2022 by the order, dated 29-03-2022 on conditions out of which he is bound to stay at Chennai and also to report before the Adayar Police Station daily at 10.30 a.m. until further Orders and also he shall not enter the Karaikal region without intimation to the Adayar Police Station and the jurisdictional Police at Karaikal when released on bail from the Judicial custody by the Hon'ble Courts of Law, the Counter Petitioner would certainly create Law and order problem in the local area since, the victimized family of the deceased

and also the supporters of the deceased are in agitated and retaliatory mood that may cause certain deterioration of Law and Order and public tranquility in Thirunallar area. The Station House Officer also reiterated that if, the Counter Petitioner is allowed to enter into the limits of the Thirunallar and Karaikal region, he will certainly threaten the witnesses to hinder their lawful deposition by using his influence and that he may threaten the witnesses and that his entry into Thirunallar area may cause commission of heinous crimes without fear of law and will give freedom to him other associates to commit such kind of crimes in future.

5. Whereas, according to the Petitioner, it is necessary to keep C.P under preventive and Prohibitory Orders, so as to curtail his criminal activities and to ensure safety and security to the community and maintenance of Public Orders under the provision of 144 of Cr.P.C., which is preventive. Hence, the Station House Officer has prayed before this Court, that the Counter Petitioner may be ordered not to enter in Karaikal region, for a period of six months except on days when he is summoned to attend the cases by the Hon'ble Courts in Karaikal by invoking the provisions under sections 144 (i), (ii) & (iii) of Cr.P.C.

6. Whereas, I am satisfied that based on the information placed before me and other facts which are brought out through enquiry report placed by the Station House Officer, Thirunallar Police Station, Karaikal, that if, the CP is allowed to move free handedly within the jurisdiction of Karaikal District, then his free movement would cause fear and apprehension in the minds of general public which would also severely affect the public tranquility, good order, common peace in the area of living within the jurisdiction of Thirunallar Police Station, Karaikal and also within the entire jurisdiction of this Court in Karaikal District since, his close association with the hooligans and gangsters of the neighboring state of Tamil Nadu would certainly instigate many more criminal activities to send fearsome sense of insecurity of life in the minds of general public if, the movements of the Counter Petitioner are not contained by the Prohibitory Orders.

7. Whereas, this present situation demands urgent action towards maintenance of Law and Order conditions in the entire area under the Jurisdiction of this Court. Issue of show cause notice and conduct of enquiry are not feasible due to time constraint, hence, this Court prefers to impose provisions as contained under section 144(ii) of Cr.P.C., to issue the Prohibitory Orders under sections 144 (i), (ii) and (iii) Cr.P.C. as *ex parte*.

8. Hence, I, M. Adharsh, Subdivisional Magistrate, Karaikal, after going through the information laid before me and also after satisfying myself of the need for prohibition of certain activities of the counter petitioner, doth hereby pass Prohibitory Orders to the Counter Petitioner, Thiru Kaliyamoorthy, son of Annasamy under sections 144 (i) (ii) & (iii) Cr.P.C., to restrain him not to enter into the entire region of Karaikal District which is under the jurisdiction of this Court, for a period of 2 (Two) months (OR) 60 (Sixty) days with effect from the date of issue this order (OR) till any further order passed by the Competent Authority revoking this prohibitory order as per law whichever is earlier, except for the days when he is required by any Court of law to comply with any lawful directions.

Dated, this 04th day of April 2022.

M. ADHARSH,
Subdivisional Magistrate, Karaikal.