



புதுச்சேரி மாநில அரசிதழ்

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PART - I

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EXTRAORDINAIRE

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GOVERNMENT OF PUDUCHERRY
IN THE COURT OF SUBDIVISIONAL MAGISTRATE, KARAIKAL

Present : Thiru M. Adharsh,
Subdivisional Magistrate.

M.C. No. 52/2022/02-06-2022

I.R.No. 08/2022 of the Karaikal Town Police Station,
dated 23-05-2022 received in this Court on 30-05-2022.

Station House Officer,
Karaikal Town Police Station,
Karaikal.

.. Petitioner

Vs

Thiru Sakthi (20),
S/o. Iyyappan,
No. 55, Mariamman Koil Street,
Thiru Nagar,
Karaikal.

.. Counter Petitioner

PROHIBITORY ORDER**(Under Section 144 (i), (ii) and (iii) of Cr.PC.)**

Whereas, one information laid under I.R.No. 08/2022 of the Karaikal Town Police Station, Karaikal, dated 23-05-2022 which was received in this Court on 30-05-2022 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, Karaikal Town Police Station, Karaikal, goes on to describe the Criminal activities of the Counter Petitioner namely, Thiru Sakthi, son of Iyyappan, hailing from No. 55, Mariamman Koil Street, Karaikal, who is allegedly found to be involved in criminal cases as registered against him in the Town Police station, Karaikal, as listed out by the Station House Officer, Karaikal Police Station, Karaikal:-

- (i) Cr.No. 187/2020 under sections 454, 380, @ 454, 380, IPC R/W 34 IPC, dated 08-05-2020 – while this case was charged on 16-07-2020 *vide* CC.No. 147/2022 and is Pending Trial before the Hon'ble Court of JM-II, Karaikal.
- (ii) Cr.No. 47/2021 under sections 143, 269, 270 r/w 149 IPC and 51(b) of DM Act @ 143, 269, 269 @ 270 IPC r/w 149 IPC, dated 31-03-2021 – while this case was charged on 26-04-2021 and the same is yet to be taken on file by the Hon'ble Court.
- (iii) Cr.No. 240/2020 under sections 294(b), 324, 506(ii) r/w 34 IPC @ 143, 147, 148, 294/(b), 324, 506(ii) r/w 149 IPC @ 1453,147 and 148, 294(b), 324, 506 (ii), 109 IPC r/w 149 IPC, dated 07-07-2020, while this case was charged on 02-08-2020 *vide* CC.No. 156/2020 and is Pending Trail before the Hon'ble Court of JM-II, Karaikal.
- (iv) Cr.No. 99/2021 under sections 269, 276, 294(b), 323, 506(i) IPC r/w 34 IPC and 51(b) of DM Act, dated 29-05-2021 – while this case is charge-sheeted and is still yet to be taken on file before the Hon'ble Court, Karaikal.
- (v) Cr.No. 179/2021 under sections 20b(ii) (A) of N D P S Act and 8 C of N D P S Act, dated 20-09-2021. that on 20-09-2021 at 15.30 hrs, the Counter Petitioner along with the co-accused persons were arrested while they were found in possession of arcotics drug namely, "Ganja" (in six small plastic Packets contained totally weighing about 35.59 grams) for the purpose of selling and also for consuming at the junction of Varavu Kotta Street and Kalmaattu Street, Karaikal and the Ganja leaves along with cash worth of ₹ 1,600.00 (Rupees one thousand and six hundred only) and three mobile phones were seized from them. They were brought to the Karaikal Town Police Station, Karaikal, by Thiru S. Balamurugan, Inspector of Police and the case was registered against all the offenders. This case was charge-sheeted on 20-01-2022 and Pending Trial before the Hon'ble Court of JM-II, Karaikal *vide* STC.No. 90/2022.

- (vi) Cr.No. 48/2022 under sections 147, 148, 307, 323, 506(ii) IPC r/w 149 IPC, dated 28-02-2022 – while this case, that the Counter Petitioner along with the co-accused had assaulted the complainant namely, one Thiru Manikandan, son of Rajendiran and attempted to commit his murder and also threatened him with dire consequences of his life due to wordy quarrel following which the Counter Petitioner along with all co-accused were remanded to judicial custody at Central Prison, Kalapet, Puducherry – while this case has been charge-sheeted and is not yet been taken on file before the Hon'ble Court of JM-II, Karaikal.

2. Whereas, according to the Petitioner, the Counter Petitioner is involved in the above-mentioned hurt cases and cases which attract severe charges under the N D P S Act, 1985, while such cases are stated to have been Pending Trial before the Hon'ble Courts of Law at Karaikal. The Police predicts that the Counter Petitioner, if, he is left to move around freely in Karaikal area within the jurisdictions of this Court during the bail period, his presence will cause hindrance to the maintenance of public tranquility and common peace that himself and his associates by way of their unruly behavior set a sense of fear and insecurity in the minds of the general public. His criminal activities could not be immediately contained by taking recourse of usual procedure of law for which it becomes immensely necessary to invoke the provisions as contained in section 144 (i), (ii) and (iii) of Cr.P.C., which is preventive in nature to ensure Public peace and order.

3. Whereas, the Station House Officer, Karaikal Town Police Station, Karaikal, had laid the information under I.R.No. 08/2022 of the Karaikal Town Police Station, Karaikal, dated 23-05-2022 which was received in this Court on 30-05-2022 as a special report filed by the Station House Officer concerned under section 144 of Cr.P.C., wherein, he had 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) and (iii) of Cr.P.C.

4. Whereas, the case was called in, this Court had issued summons in Case number MC. 52/2022 calling for the Petitioner and also the Counter Petitioner as well to appear and depose before this Court regarding the information laid by the Station House Officer, Karaikal Town Police Station, Karaikal, in I.R.No. 08/, dated 23-05-2022. Both of them appeared before this Court on 06-06-2022, 15-06-2022, 22-06-2022, 29-06-2022 and on 14-07-2022, the Counter Petitioner filed his counter affidavit in writing by calling the information laid by the Petitioner in I.R.No. 08/2022, dated 23-05-2022 under section 144 of Cr.P.C., as baseless and falsified in nature and also stated that the Counter Petitioner does not even reside within Karaikal, once after he has been allegedly entangled in Criminal cases, hence, he prayed before this Court to dismiss the prayer of the Petitioner for orders under section 144 of Cr.P.C. While the Station House Officer, Karaikal Town Police Station, Karaikal, had filed his Objections to the Counter affidavit filed by the Counter Petitioner that the Counter Petitioner has scant regards to adhere to the Law and Order requirements of the society for which the standing testimony is that a fresh case under the N D P S Act, 1985 has been registered against him in Crime Number 147/2022, dated 04-07-2022 under section 20b (ii) (A) of N D P S Act and 8 C of N D P S Act, 1985 even after filing and initiating proceedings under section 144 of Cr.P.C., which shows that the Counter Petitioner is undeterred even by the ongoing trials under section of 144 of Cr.P.C., before this Court.

5. 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, Karaikal Town Police Station, Karaikal, that if, the Counter Petitioner is allowed to move free handedly within the jurisdiction of Karaikal District, then his free movement would encourage anti-social activity, 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 Karaikal Town Police Station, Karaikal and also within the entire jurisdiction of this Court in Karaikal District. Further, the Station House Officer reported that the Counter Petitioner is actively involved in sale of illegal drugs in Karaikal District which might affect the social fabric, particularly affecting at-risk youth

6. 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 order to the Counter Petitioner, Thiru Sakthi, son of Iyyappan under sections 144 (i) (ii) and (iii) of 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.

Given under my hand and the seal of this Court, dated the 04th day of August, 2022 at Karaikal.

M. ADHARSH,
Subdivisional Magistrate.

GOVERNMENT OF PUDUCHERRY
IN THE COURT OF SUBDIVISIONAL MAGISTRATE, KARAİKAL

M.C. No. 53/2022/02-06-2022

- (i) **I.R.No. 15/2022 of the Thirunallar Police Station, dated 30-05-2022 received in this Court on 01-06-2022.**
- (ii) **Additional report against the Counter Petitioner received from the Station House Officer, Thirunallar on 19-07-2022.**

Station House Officer,
Thirunallar Police Station,
Karaikal.

. . Petitioner

Vs

- (1) Thiru Thavamani @ Pappa – C.P-(1),
W/o. Harikrishnan,
Melaveethi,
Thirunallar,
Karaikal.
- (2) Thiru Saravana – C.P-(2),
S/o. Perumal,
No. 13, Thoppu theru,
Pettai, Thirunallar,
Karaikal.

- (3) Thiru Thamizhselvan @ Vetri – C.P-(3)
S/o. Kaliyaperumal,
No. 10, Ambethkar Nagar,
Thirunallar,
Karaikal.

. . Counter Petitioners

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

Whereas, one information under I.R. No. 15/2022 of the Thirunallar Police Station, Karaikal, dated 30-05-2022 was received in this Court on 01-06-2022 as an information laid under section 144 of Cr.P.C., and also one additional report, dated 19-07-2022 filed by the Station House Officer concerned also was received in this Court on 20-07-2022. The report filed by the Station House Officer, Thirunallar Police Station, Karaikal, goes on to describe the criminal activities of the Counter Petitioners (1), (2) and (3) namely, C.P (1) Thavamani @ Pappa, wife of Harikrishnan, C.P(2) Saravanan, son of Perumal and C.P(3) Thamizhselvan @ Vetri, son of Kaliyaperumal, who are allegedly being the three among the accused to have carried out the brutal murder of the deceased namely K.Devamani, and also they are reported to have planned to indulge in serious offences like, extortion, hurt with criminal intimidation and thereby would become a perennial source of threat to the community and disturbance to the public tranquility.

2. The Petitioner has further submitted to this Court that the Counter Petitioners Thavamani @ Pappa, wife of Harikrishnan, Saravanan son of Perumal, and Thamizhselvan @ Vetri, son of Kaliyaperumal, are 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 of Thirunallar Police Station, Karaikal and all of them were arrested and lodged in the Central Prison, Puducherry under Judicial custody. The Counter Petitioners are permanent residents of Thirunallar which comes under the territorial jurisdiction of this Court.

3. They are reported to have been involved in the murder case on the instigation of the Co-accused Manimaran @ Mani, the C.P(1).Thavamani @ Pappa had allegedly kept the Sickles (Aruval) in the rear side of the accused Manimaran's Auto which was used for the commission of the murder of Devamani and thereby abetted to commit the murder of Devamani and she also had reportedly instructed the accused concerned in this case to kill Devamani. The Counter Petitioner namely Thavamani @ Pappa, has been listed as accused (A-3) in the Murder case.

4. The Station House Officer being Petitioner also has submitted that the Counter Petitioner C.P (2) Saravanan 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 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 on some Labour contract issue. The Counter Petitioner is also reported to be personally involved to hire the rowdy elements and other co-accused from Mayiladuthurai, Tamil Nadu to carry out the murder of the deceased Devamani. 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.

5. Whereas, one special report as filed by the Station House Officer, Thirunallar Police Station, Karaikal *vide* I.R.No. 15/2022 of the Thirunallar Police Station, Karaikal, dated 30-05-2022 was received in this Court on 01-06-2022 as an information laid under section 144 of Cr.P.C. and also one additional report, dated 19-07-2022 filed by the Station House Officer 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 he was lodged in the Central Jail, Kalapet, Puducherry and later on he was granted Bail from the Hon'ble Courts of Law. The Station House Officer of Thirunallar Police Station, Karaikal, also states that the Counter Petitioner namely Saravanan, has been listed as accused (A-10) 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.

6. Whereas, Petitioner has further submitted that the Counter Petitioner, C.P(3) Thamizhselvan @ Vetri, 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 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 on some contract issue. The Counter Petitioner is also reported to be personally involved to hire the rowdy elements and other co-accused from Mayiladuthurai, Tamil Nadu to carry out the murder of the deceased Devamani. 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.

7. 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. 15/2022 of the Thirunallar Police Station, Karaikal, dated 30-05-2022 was received in this Court on 01-06-2022 as an Information laid under section 144 of Cr.P.C. and also one additional report, dated 19-07-2022 filed by the Station House Officer 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 he was lodged in the Central Jail, Kalapet, Puducherry and later on he was granted Bail from the Hon'ble Courts of Law. The Station House Officer of Thirunallar Police Station, Karaikal, also states that the Counter Petitioner namely Thamizhselven @ Vetri, has been listed as accused (A-II) 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.

8. Whereas, this Court has already imposed Prohibitory Orders under sections 144 (i), (ii) and (iii) of Cr.P.C. in MC.No's. 08/2022 , 09/2022 and also 10/2022 respectively based on the Special reports and prayers submitted to this Court by the Station House Officer concerned in I.R. No's. 04/2022, 06/2022 and also I.R.No. 07/2022, dated 28-01-2022. The validity period of imposition of

Prohibitory Orders imposed by this Court on the Counter Petitioners in the Cases in MC.No's. 08/2022 , 09/2022 and also 10/2022 with effect from 17-05-2022, 20-04-2022 and 04-04-2022.

9. Whereas, the Station house Officer, Thirunallar, Police Station, Karaikal, has filed his special report *vide* I.R.No. 15/2022 of the Thirunallar Police Station, Karaikal, dated 30-05-2022 received in this Court on 01-06-2022 as an information laid under section 144 of Cr.PC. and also one additional report, dated 19-07-2022 that in the present context, if the Counter Petitioners Thavamani @ Pappa, wife of Harikrishnan, Saravanan, son of Perumal, and Thamizhselvan @ Vetri, son of Kaliyaperumal, are let free to move in the areas of Jurisdictional limits of the Thirunallar Police Station, Karaikal:-

(i) The Station House Officer also reiterated that if, the Counter Petitioner C.P(1) Thavamani @ Pappa is allowed to enter into the limits of the Thirunallar and Karaikal region, she will certainly threaten the witnesses to hinder their lawful deposition by using her influence and that she may threaten the witnesses and that her entry into Thirunallar area may cause commission of heinous crimes without fear of law and will give freedom to her other associates to commit such kind of crimes in future.

(ii) and also the C.P.(2) Saravanan, if allowed to enter into the limits of the Thirunallar and Karaikal region 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 and hence, according to the Petitioner, it is necessary to keep the 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.

(iii) and also the C.P.(3) Thamizhselvan @ Vetri, if 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 communal clashes between two different community groups since the victimized and the accused belong to two different communities and also that if, the Counter Petitioner is allowed to enter Thirunallar area, he would get more freedom to commit similar crimes in future.

10. Hence, the Station House Officer had registered a case in I.R.No. 15/2022 of the Thirunallar Police Station, Karaikal, dated 30-05-2022 received in this Court on 01-06-2022 as an information laid under section 144 of Cr.P.C. and also one additional report, dated 19-07-2022 and also prayed before this Court that the Counter Petitioners may be ordered not to enter in Karaikal Region for a period of six months excepts on days when they are summoned to attend the cases by the Hon'ble Courts in Karaikal by invoking the provisions under sections 144 (i), (ii) and (iii) of Cr.P.C.

11. Whereas, the case was called in, summons were issued to both Petitioner and the Counter Petitioners to appear before this Court on 06-06-2022 so as to answer the contents of the information laid by the Station House Officer, Thirunallar under section 144 of Cr.P.C. in I.R.No. 15/2022 of the Thirunallar Police Station, Karaikal, dated 30-05-2022. The Counter Petitioners appeared on 15-06-2022, 22-06-2022, 06-07-2022, 20-07-2022, while the learned Counsels representing their clients as CP's filed their counter affidavits before this Court and refuted the contents of the information laid by the Petitioner under section 144 of Cr.P.C. in

I.R.No. 15/2022, dated 30-05-2022. The Counsel further stated that the Counter Petitioners have not involved themselves in any Criminal activity even before and after the Murder case filed in 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 of Thirunallar Police Station, Karaikal, which is Under Trial before the Hon'ble Court of Law. The Counter Petitioner C.P.(1) Thavamani @ Pappa and also the Counter Petitioner C.P.(2) Saravanan are reportedly staying outside Karaikal District and C.P.(1) is presently undergoing treatment for her ailment at Pondicherry and C.P.(2) is earning his livelihood outside Karaikal. They are said to be visiting Karaikal only to attend the Criminal Trial sessions of the Hon'ble Courts of Law at Karaikal. The Counsel for C.P.(3) Thamizhselvan @ Vetri stated that invoking the provisions of 144 of Cr.P.C., will hamper the possibilities of attending the trials before the Criminal Court of Law at Karaikal. While the Station House Officer, Thirunallar Police Station, Karaikal, being the Petitioner has filed his objections before this Court on 20-07-2022 stating that their presence at Karaikal may harm law and order situations as they are intimately involved in a political murder in Karaikal District. The situation is still not resolved, since the murder victim was a political functionary and hence, retaliatory action may take place at any time from now.

12. Whereas, I am satisfied that based on the information placed before me and other facts which are brought out through the additional enquiry report placed by the Station House Officer, Thirunallar Police Station that if, the C.P.'s (1), (2) and (3) namely Thavamani @ Pappa, wife of Harikrishnan, Saravanan, son of Perumal and Thamizhselvan @ Vetri, son of Kaliyaperumal are allowed to move freely within the jurisdiction of Thirunallar Taluk, then their 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 Thirunallar Taluk since, their 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 Petitioners are not contained by Prohibitory Orders.

13. 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 Petitioners, doth hereby pass prohibitory orders to the Counter Petitioners, namely:-

CP-(1)- Thavamani @ Pappa, wife of Harikrishnan,

CP-(2)- Saravanan son of Perumal, and

CP-(3)- Thamizhselvan @ Vetri, son of Kaliyaperumal under sections 144 (i) (ii) and (iii) of Cr.P.C., to restrain all of them not to enter into the areas under the Jurisdiction of Thirunallar Taluk which are 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 they are required by any Court of law to comply with any lawful directions.

Given under my hand and the seal of this Court, dated the 04th day of August, 2022 at Karaikal.

M. ADHARSH,
Subdivisional Magistrate Karaikal.