



புதுச்சேரி மாநில அரசிதழ்

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PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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அதிகாரம் பெற்ற
வெளியீடு

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IN THE COURT OF SUBDIVISIONAL MAGISTRATE AT KARAIKAL

M.C. No. 10/2022/02-02-2022/142

(I.R. No. 07/2022 of the Thirunallar Police Station,
dated 28-01-2022 received in this Court on 31-01-2022)

Station House Officer,
Thirunallar Police Station,
Karaikal District.

. . . Petitioner

Thiru Thamizhselvan @ Vetri,
S/o. Kaliyaperumal,
No. 10, Ambedkar Nagar,
Thirunallar, Karaikal.

. . . Counter Petitioner

PROHIBITORY ORDER

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

Whereas, one information under I.R. No. 07/2022 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 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 Thamizhselvan @ Vetri, son of Kaliyaperumal, who is allegedly one among the accused to have carried out the brutal murder of the deceased namely, K. Devamani and also he is reported to have been indulging 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 submitted that the Counter Petitioner Thiru 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 residents 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.

3. Whereas, the information laid by the Station House Officer, Thirunallar Police Station, Karaikal under section 144 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. 07/2022, dated 28-01-2022 under section 144 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 were arrested and remanded to the Judicial custody by the Hon'ble Court of Judicial Magistrate-II at Karaikal and presently he is lodged in the Central Jail, Kalapet, Puducherry. The Station House Officer of Thirunallar Police Station, Karaikal, also states that the Counter Petitioner namely, Thiru Thamizhselvan @ Vetri, has been listed as accused (A-11) 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 Judicial Magistrate-II Court, Karaikal *vide* PRC No. 1/2022.

4. Whereas, the Petitioner further submits that in view of the above reasons, the Counter Petitioner Thiru Thamizhselvan @ Vetri, when released on bail from the Judicial custody by the Hon'ble Courts of Law 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 their influence and that he may threaten the witnesses and that their 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, they would get more freedom to commit similar crimes in future.

5. Whereas, according to the Petitioner, it is necessary to keep Counter Petitioner under preventive and prohibitory orders so as to curtail their criminal activities and to ensure safety and security to the community and maintenance of public orders under the provision of 144 Cr.P.C. which is preventive. Hence, the Station House Officer had registered a case in I.R.No. 07/2022, dated 28-01-2022 under sections 144 Cr.P.C. and hence, prayed before this Court that the Counter Petitioner 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) 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 Counter Petitioner 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 with in the jurisdiction of Thirunallar Police Station and also with in the entire jurisdiction of this Court in Karaikal District, 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 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) 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, both hereby pass prohibitory orders to the Counter Petitioner, Thiru Thamizhselvan @ Vetri under sections 144 (i), (ii) and (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 they are required by any Court of law to comply with any lawful directions.

Dated, this Court on this 05th day of February 2022.

M. ADHARSH,
Subdivisional Magistrate, Karaikal.