



புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry

The Gazette of Puducherry

PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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அதிகாரம் பெற்ற
வெளியீடு

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No. } 46	Poudouchéry	Jeudi	31	Mars	2022 (10 Chaitra 1944)
No. }	Puducherry	Thursday	31st	March	2022

IN THE COURT OF SUBDIVISIONAL MAGISTRATE
AT KARAIKAL

M.C. No. 08/2022/02-02-2022/254

(i) (I.R. No. 04/2022 of the Thirunallar Police Station,
dated 28-01-2022 received in this Court on 31-01-2022).

(ii) Additional report against the Counter Petitioner received from
the Station House Officer, Thirunallar on 11-03-2022.

Station House Officer,
Thirunallar Police Station.

. . Petitioner

Thiru Thavamani @ Pappa,
W/o. Harikrishnan,
Melaveethi,
Thirunallar,
Karaikal.

. . Counter Petitioner

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

Whereas, one information under I.R. No. 04/2022 of the Thirunallar Police Station, Karaikal, dated 28-01-2022 was received in this Court on 31-01-2022 as an information laid under section 144 of Cr. P.C. and also one additional report dated 09-03-2022 filed by the Station House Officer concerned also was received in this Court on 11-03-2022. The report filed by the Station House Officer, Thirunallar Police Station, Karaikal, goes on to describe the criminal activities of the Counter Petitioner namely, Thuru Thavamani @ Pappa, wife of Harikrishnan who is allegedly one among the accused to have carried out the brutal murder of the deceased namely, K. Devamani and also she along with her co-accused are reported to have planned to indulging 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 Petitioner Thiru Thavamani @ Pappa, 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 was arrested and lodged in the Central Prison, Puducherry under judicial custody. The Counter Petitioner is a permanent resident of Thirunallar which comes under the territorial jurisdiction of this Court. She is reported to have been involved in the murder case and also herself on the instigation of the co-accused Manimaran @ Mani, she had 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 also had reportedly instructed the accused concerned in this case to kill Devamani.

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. 04/2022, 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 Judicial Magistrate-II at Karaikal and presently she 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 Thavamani @ Pappa, has been listed as accused (A-3) in this murder 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 in the additional report dated, 09-03-2022 that the Counter Petitioner Thavamani @ Pappa, was granted bail by the Hon'ble High Court of Judicature at Madras in CrI. OP. No. 3654 of 2022 on conditions out of which she is bound to stay at Pondicherry and also to report before Grand Bazar Police Station daily at 10.30. a.m. for a period of three months from the date of her release on bail. When released on bail from the Judicial custody by the Hon'ble Court 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, she will certainly threaten the witnesses to hinder their lawful deposition by using her influence and that he may threaten the witnesses and that their 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.

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 of Cr. P.C., which is preventive. Hence, the Station House Officer had registered a case in I.R. No. 04/2022, dated 28-01-2022 under sections 144 of Cr.P.C. and also 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) 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 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, her 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 was 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) of 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 Thavamani @ Pappa under sections 144 (i), (ii) and (iii) Cr. of 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 she is required by any Court of law to comply with any lawful directions.

Dated, this Court on this 18th day of March 2022.

M. ADHARSH,
Subdivisional Magistrate, Karaikal.