



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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IN THE COURT OF SUBDIVISIONAL MAGISTRATE (NORTH)
AT PUDUCHERRY

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

M.C. No. 77/2022, I.R.No. 01/2022 under section 144 of Cr.P.C./1432

ORDER

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

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

.. Petitioner

Vs

Thiru Bharath (34),
S/o. Subramanian,
No. 09, A- Block,
Anthoniar Koil Street,
Govindasalai,
Puducherry.

.. Counter Petitioner

This petition along with case sheet is filed by the Sub-Inspector of Police, Grand Bazaar Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Bharath 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 Bharath (34), son of Subramanian, a resident of No. 09, A- Block, Anthoniar Koil Street, Govindasalai, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case referred by the Station House Officer, Grand Bazaar Police Station, Puducherry, through the Superintendent of Police (East), Puducherry *vide* I.R.No. 01/2022 under section 144 of Cr.P.C., dated 19-03-2022. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent upon indulging in crime such as murder, attempt to murder, criminal intimidation, dacoity and 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 town limits. It is also stated that he is leading lavish life with the money earned through illegal activities. 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. 08/2006 under sections 324, 506(ii) IPC of Grand Bazaar Police Station, Puducherry, dated 10-01-2006 – Acquitted.
2. Cr.No. 301/2007 under sections 147, 148, 323, 307 r/w 149 IPC of Grand Bazaar Police Station, Puducherry, dated 10-07-2007 – Pending Trial.
3. Cr.No. 273/2009 under sections 147, 148, 323, 307 r/w 149 IPC of Grand Bazaar Police Station, Puducherry, dated 01-05-2009 – Pending Trial.
4. Cr.No. 20/2010 under sections 324, 506(ii) IPC r/w 34 IPC of Grand Bazaar Police Station, Puducherry, dated 30-01-2010 – Pending Trial.
5. Cr.No. 416/2010 under sections 307, 109 IPC r/w 34 IPC of Odiansalai Police Station, Puducherry, dated 25-10-2010 – Pending Trial.
6. Cr.No. 234/2011 under sections 147, 148, 452, 302, 307, 109 IPC r/w 149 IPC of Mudaliarpot Police Station, Puducherry, dated 09-09-2011 – Pending Trial.
7. Cr.No. 233/2012 under sections 399, 402 IPC of Grand Bazaar Police Station, Puducherry, dated 22-07-2012 – Pending Trial.
8. Cr.No. 341/2012 under sections 294, 427, 506(ii) IPC, dated 15-12-2012 – Pending Trial.
9. Cr.No. 113/13 under sections 27 of Arms Act & 34 B-IX of PP Act r/w 34 IPC of Lawspet Police Station, Puducherry, dated 11-07-2013 – Pending Trial.
10. Cr.No. 108/2019 under section 427 IPC, dated 03-08-2019 of Grand Bazaar Police Station, Puducherry – Pending Trial.
11. Cr.No. 213 /2022 under section 363 IPC @ 366 IPC and section 6 of POCSO Act 2012 of Mudaliarpot Police Station, Puducherry.

4. The Petitioner stated that the Counter Petitioner is a notorious rowdy element. It is also stated that the Counter Petitioner has involved in various offences by using aruval, knife and explosive to attack the victims and become a source of terror among the public. It is further stated that the Counter Petitioner is not a law abiding citizen and have scant respect to the judiciary and rule of law.

5. It is also stated in the I.R that the Petitioner have received reliable information that the Counter Petitioner desperate and is in dire need of money to maintain his group of rowdy elements and to meet expenses in connection with the trial in the pending criminal cases against him. The Counter Petitioner is hatching plans to threaten the business people in the Puducherry urban area and extort money from them by threatening. The Petitioner also stated that the Counter Petitioner earned displeasure among a section of other rowdy group in the area on account of the grudge against him and hence, rival group is also waiting opportunity to take revenge upon him.

6. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Puducherry town limits, it is apprehended that he would continue to indulge in serious offences like murder, extortion, assault, 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, Grand Bazaar Police Station, Puducherry, has prayed to invoke provisions under section 144 of 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;

7. 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 25-04-2022 to appear for the hearing on 05-05-2022 at 10.00 a.m. and subsequent hearings on 10-05-2022, 12-05-2022 and 17-05-2022. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Grand Bazaar Police Station, Puducherry. The notice for the Counter Petitioner was served by affixing it at his house in presence of two witnesses due to absence of the Counter Petitioner at his house. The Service was held sufficient for the Counter Petitioner.

8. On 17-05-2022, the Petitioner represented by Thiru Ayyanarappan, Assistant Sub-Inspector, Grand Bazaar Police Station, Puducherry, was present. The Counter Petitioner has failed to appear before the Court on hearing date.

9. 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 Bharath (34), 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, obstructions and annoyance, unlawful activities and disturbance to the public peace and order. There were 11 criminal cases registered against him in various Police Stations.

10. On perusal of the records submitted by the Petitioner, 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;

11. 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 Bharath (34), son of Subramanian, a resident of No. 09, A-Block, Anthoniar Koil Street, Govindasalai, 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 17th day of May, 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. 78/2022, I.R.No. 02/2022 under section 144 of Cr.P.C./1433

ORDER

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

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

.. Petitioner

Vs

Thiru Sivaperumal @ Sathiya (24),
S/o. Saravanan,
7th Cross,
Rainbow Nagar,
Puducherry.

.. Counter Petitioner

This petition along with case sheet is filed by the Sub-Inspector of Police, Grand Bazaar Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Sivaperumal @ Sathiya (24), 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 Sivaperumal @ Sathiya (24), son of Saravanan, a resident of 7th Cross, Rainbow Nagar, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case referred by the Station House Officer, Grand Bazaar Police Station, Puducherry, through the Superintendent of Police (East), Puducherry *vide* I.R.No. 02/2022 under section 144 of Cr.P.C., dated 19-03-2022. Therein, it has been stated that the Counter Petitioner have formed a gang of rowdies and bent upon indulging in crime such as murder, hurt, criminal intimidation and 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 town limits. It is also stated that he is leading lavish life with the money earned through illegal activities. 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. 232/2010 under sections 457, 380 r/w 34 IPC, dated 23-10-2010 of Muthialpet Police Station, Puducherry.
2. Cr.No. 178/2011 under sections 449, 302 r/w 34 IPC, dated 09-08-2011 of Muthialpet Police Station, Puducherry.
3. Cr.No. 141/2012 under sections 148, 302, 307, 324 r/w 149 IPC, dated 22-07-2012 of Muthialpet Police Station, Puducherry.
4. Cr.No. 212/2012 under sections 356, 379 IPC r/w 34 IPC, dated 07-12-2012 of Muthialpet Police Station, Puducherry.
5. Cr.No. 142/2013 under section 379 IPC, dated 09-10-2013 of Muthialpet Police Station, Puducherry.
6. Cr.No. 13/2015 under sections 147, 148, 302 IPC r/w 149 IPC, dated 09-02-2015 of Muthialpet Police Station, Puducherry.
7. Cr.No. 103/2015 under sections 294(b), 336, 506(ii) IPC r/w 34 IPC, dated 23-09-2015 of Muthialpet Police Station, Puducherry.
8. Cr.No. 141/2017 under sections 399, 402 IPC, dated 24-07-2017 of Villianur Police Station, Puducherry.
9. Cr.No. 107/2018 under sections 25 (i) (a) of Arms Act & 506(ii) IPC, dated 22-05-2018 of Grand Bazaar Police Station, Puducherry.
10. Cr.No. 120/2018 under section 34 B-IX & E1 of PP Act and 506(ii) IPC, dated 11-12-2018 of Muthialpet Police Station, Puducherry.
11. Cr.No. 10/2019 under section 25 (i) (a) of Arms Act & 506(ii) IPC, dated 30-01-2019 of Grand Bazaar Police Station, Puducherry.
12. Cr.No. 294/2019 under sections 147, 148, 302 IPC r/w 149 IPC, dated 18-11-2019 of Vadalloor Police Station, Tamil Nadu.
13. Cr.No. 10/2021 under sections 294, 324, 506(ii) IPC r/w 34 IPC of Odiansalai Police Station, Puducherry.
14. Cr.No. 25/2021 under sections 307 IPC r/w 34 IPC @ 147, 148, 307 IPC r/w 148 IPC of Grand Bazaar Police Station, Puducherry.

4. The Petitioner stated that the Counter Petitioner is a notorious rowdy element. It is also stated that the Counter Petitioner has involved in various offences by using aruval, knife to attack the victims and become a source of terror among the public. It is further stated that the Counter Petitioner is not a law abiding citizen and have scant respect to the judiciary and rule of law.

5. It is also stated in the I.R that the Petitioner have received reliable information that the Counter Petitioner desperate and is in dire need of money to maintain his group of rowdy elements. Further stated that the Counter Petitioner is hatching plans to threaten the business people in the Puducherry urban area and extort money from them by threatening. The Petitioner also stated that the Counter Petitioner earned displeasure among a section of other rowdy group in the area on account of the grudge against him and hence, rival group is also waiting opportunity to take revenge upon him.

6. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Puducherry town limits, it is apprehended that he would continue to indulge in serious offences like murder, extortion, kidnapping, theft, snatching, damages to public and private properties, assault, 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, Grand Bazaar Police Station, Puducherry, has prayed to invoke provisions under section 144 of 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;

7. 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 25-04-2022 to appear for the hearing on 05-05-2022 at 10.00 a.m. and subsequent hearings on 10-05-2022, 12-05-2022 and 17-05-2022. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Grand Bazaar Police Station, Puducherry. The notice for the Counter Petitioner was received by his wife, Tmt. Saranya. The Service was held sufficient for the Counter Petitioner.

8. On 17-05-2022, the Petitioner represented by Thiru Ayyanarappan, Assistant Sub-Inspector, Grand Bazaar Police Station, Puducherry, was present. The Counter Petitioner has failed to appear before the Court on hearing date.

9. 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 Sivaperumal @ Sathiya (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 murder, assault, obstructions and annoyance, unlawful activities and disturbance to the public peace and order. There were 14 criminal cases registered against him in various Police Stations.

10. On perusal of the records submitted by the Petitioner, 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;

11. Hence, I, M. Kandasamy, do hereby, in the capacity of Subdivisional Magistrate (North), Puducherry, in exercise of powers conferred under the section 144(1) of the Code of Criminal Procedure, pass this order and prohibit the Counter Petitioner Thiru Sivaperumal @ Sathiya (24), son of Saravanan, a resident of 7th Cross, Rainbow Nagar, 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 17th day of May, 2022, pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).
