



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. 197/2022, I.R.No. 30/2022 under section 144 of Cr.P.C./3204

ORDER

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

State Represented by the Station House Officer,
Thavalakuppam Police Station,
Puducherry.

.. Petitioner

Vs

Thiru Shanmugam (22),
S/o. Sakthivel,
No. 29, Udaiyar Street,
T.N. Palayam, Thavalakuppam,
Puducherry.

.. Counter-Petitioner

[1941]

This petition along with case sheet is filed by the Station House Officer, Thavalakuppam Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Kumaraguru, 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 Shanmugam (22), S/o. Sakthivel, a resident of No. 29, Udaiyar Street, T.N. Palayam, Thavalakuppam, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case submitted by the Station House Officer, Thavalakuppam Police Station through the Superintendent of Police (South), Puducherry *vide* I.R.No. 30/2022, under section 144 of Cr.P.C., dated 29-10-2022. 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. It is also stated that the Counter Petitioner has created panic in the minds of local inhabitants and he is leading lavish life with the money earned through extortion. As a result the people of the locality being afraid of the Counter Petitioner don't come forward to lodge any complaint against him. It is also stated that even witnesses do not 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. 109/2021 under section 302 IPC r/w 34 IPC Thavalakuppam Police Station, Puducherry, dated 20-09-2021.
2. Cr.No. 91/2022 under sections 294 (b), 506(ii) IPC and 25 (1) (a) of Arms Act 1959 of Thavalakuppam Police Station, Puducherry, dated 03-10-2022.
3. IR.No. 05/2022 under section 144 of Cr.P.C., dated 06-06-2022.

4. The Petitioner further stated that the Counter Petitioner is not a law abiding citizen and he is a young and very active notorious rowdy element. It is also stated that he has involved in various offences by using aruval, knife to attack the victims and he violated the conditions imposed by the Criminal Courts and have scant respect to the judiciary and rule of law. It is also stated in the I.R that the Station House Officer has received reliable information that he is 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. It is also stated that he is hatching plans to threaten the business people in the Puducherry urban area and extort money from them by threatening. The Petitioner further 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.

5. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Puducherry urban limits, it is apprehended that he would continue to indulge in serious offences like murder, attempt to murder, damage to public and private properties, assault, obstructions, annoyance, *etc.*, and hereby emerged as a perennial source of threat to the community and disturb public peace and order. Hence, the Station House Officer, Thavalakuppam 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.

6. 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 18-11-2022 to appear for the hearing on 22-11-2022. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Thavalakuppam Police Station, Puducherry. The notice was received by the Counter Petitioner.

7. On 22-11-2022, the Petitioner represented by Thiru V. Ravi, Assistant Sub-Inspector of Police, Thavalakuppam Police Station, Puducherry and the Counter Petitioner were present.

8. I have heard both the sides and carefully gone through all the available records in file placed by the Petitioner. In the Police Information Report/Petition, it is stated that the activities of the Counter Petitioner 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, unlawful activities and disturbance to the public peace and order. There are 3 criminal cases were registered against him in Thavalakuppam Police Stations, Puducherry. I have also heard the oral submissions of the Counter Petitioner. The Counter Petitioner has stated that the Petitioner has filed this false case with an ulterior motive.

9. Upon hearing both sides and 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, damages to public and private properties, obstructions, annoyance, *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 sections 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.

10. Hence, I, M. Kandasamy, do hereby, in the capacity of Subdivisional Magistrate (North), Puducherry, in exercise of powers conferred under section 144(1) of the Code of Criminal Procedure, pass this order and prohibit the Counter Petitioner Thiru Shanmugam (22), S/o. Sakthivel, a resident of No. 29, Udaiyar Street, T.N. Palayam, Thavalakuppam, 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 22nd day of November, 2022, pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).