



புதுச்சேரி மாநில அரசிதழ்

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PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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அதிகாரம் பெற்ற
வெளியீடு

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No. }	Puducherry	Thursday	8th	September	2022

IN THE COURT OF SUBDIVISIONAL MAGISTRATE AT KARAIKAL

M.C. No. 54/2022/02-06-2022/265

(I.R. No. 12/2022 of the Thirunallar Police Station,
dated 15-05-2022 received in this Court on 02-06-2022).

Station House Officer,
Thirunallar Police Station.

. . . Petitioner

Thiru Prabagar @ Aravinthan @ Appu,
S/o. Kaliyamoorthy,
No. 35, Aranga Nagar,
Thirunallar,
Karaikal.

Thiru Guru Sintha,
S/o. Kaliyamoorthy,
No. 35, Aranga Nagar,
Thirunallar, Karaikal.

. . . Counter Petitioners

PROHIBITORY ORDERS**(Under section 144 (i) (ii) and (iii) of Cr. P.C.)**

Whereas, one information under I.R.No. 12/2022 of the Thirunallar Police Station, Karaikal, dated 15-05-2022 was received in this Court on 02-06-2022 as an special report filed by the Station House Officer concerned under section 144 of 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 Petitioners namely:- (i) Thiru Prabagar @ Aravinthan @ Appu, son of Kaliyamoorthy and (ii) Thiru Guru Sintha, son of Kaliyamoorthy who is allegedly one among the accused to have carried out the brutal murder of the deceased namely, K. Devamani. It was reported that the accused Thiru Prabagar @ Aravinthan @ Appu and Thiru Guru Sintha had watched the movement of the deceased and informed the same to the co-accused Manimaran through whatsapp call and phone call, respectively and thereby abetted to commit murder of Devamani and also they are reported to have been 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 that the Counter Petitioners Thiru Prabagar @ Aravinthan @ Appu and Thiru Guru Sintha 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 are the permanent residents of Thirunallar which comes under the territorial jurisdiction of this authority. They are reported to have designed and to eliminate the complainant and main witnesses of the murder case of Devamani. Whereas, the Counter Petitioners are also reported to be personally involved to hire the rowdy elements and other co-accused from Mailaduthurai, Tamil Nadu to carry out the murder of the deceased 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 Petitioners as detailed in the special report filed by the Station House Officer, Thirunallar Police Station, Karaikal *vide* I.R.No. 12/2022, dated 15-05-2022 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 Petitioners were arrested and remanded to the Judicial custody by the Hon'ble Court of Judicial Magistrate-II at Karaikal and presently they have been released on bail by the Honourable Courts of Law. The Station House Officer of Thirunallar Police Station, Karaikal, also states that the Counter Petitioners namely, Thiru Prabagar @ Aravinthan @ Appu and Thiru Guru Sintha, have been listed as accused (A-12) and (A-13) 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 Petitioners Thiru Prabagar @ Aravinthan @ Appu and Thiru Guru Sintha 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 Petitioners are allowed to enter into the limits of the Thirunallar and Karaikal region, they will certainly threaten the witnesses to hinder their lawful deposition by using her influence and that they may threaten the witnesses and that their entry into Thirunallar area may cause communal clashes between two different community groups since, the victimised and the accused belong to two different communities and also that the Counter Petitioners are allowed to enter in Thirunallar area, they would get more freedom similar crimes in future.

5. Whereas, the Station House Officer, Thirunallar Police Station, Karaikal further narrates that in consonance of the information laid down by the Station House Officer in I.R.No. 05/2022, dated 28-01-2022 under sections 144 (i), (ii) and (iii) of Cr.P.C. and on realising the nature of the urgency of the requirement as prayed by the Station House Officer concerned this Court issued Prohibitory Orders Under sections 144 (i), (ii) and (iii) of Cr.P.C. to both Counter Petitioners refraining them from entering into the jurisdiction of this Court, in MC No. 07/2022, dated 15-02-2022 for a period of "Two months" till 15-04-2022.

6. Whereas, according to the Petitioner, it is necessary to keep Counter Petitioners 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. 12/2022, dated 15-05-2022 under sections 144 (i), (ii) and (iii) of Cr.P.C. and hence, prayed before this Court that the Counter Petitioners may be ordered do 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.

7. 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 and 20-07-2022, while, the learned Counsels representing their clients as Counter Petitioner'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. 12/2022, dated 15-05-2022. 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 Petitioners (i) Thiru Prabagar @ Aravinthan @ Appu, son of Kaliyamoorthy and (ii) Thiru Guru Sintha, son of Kaliyamoorthy are reportedly staying outside Karaikal District and Counter Petitioner (1) and Counter Petitioner (2) are earning their livelihood outside Karaikal. They are said to be visiting Karaikal only to attend the Criminal trial sessions of the Honorable Courts 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.

8. 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, Karaikal, that if, the Counter Petitioners (i) and (2) namely, Thiru Prabagar @ Aravinthan @ Appu, son of Kaliyamoorthy and also the Counter Petitioner (ii) Thiru Guru Sintha, son of Kaliyamoorthy 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 with in the jurisdiction of Thirunallar Police Station, Karaikal and also with in the entire jurisdiction of this Court in Karaikal Taluk, 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 is not contained by the prohibitory orders.

9. 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, Counter Petitioner (i) Thiru Prabagar @ Aravinthan @ Appu, son of Kaliyamoorthy and Counter Petitioner (ii) Thiru Guru Sintha, son of Kaliyamoorthy under sections 144 (i), (ii) and (iii) of Cr.P.C., to restrain all of them do 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 of 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 seal of this Court, dated this 08th day of August 2022.

M. ADHARSH,
Subdivisional Magistrate, Karaikal.

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