



புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry

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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 THE SUBDIVISIONAL MAGISTRATE (NORTH)
AT PUDUCHERRY

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

M.C. No. 146/2022, I.R.No. 20/2022 under section 144 of Cr.P.C./2286

ORDER

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

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

. . . Petitioner

Vs

Thiru Bakiyaraj @ Parasuraman (35),
S/o. Uthirapathy,
No. 9, Kalainjar Nagar,
Manaveli, Ariyankuppam,
Puducherry.

. . . Counter Petitioner

This petition along with case sheet is filed by the Station House Officer, Ariyankuppam Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Bakiyaraj @ Parasuraman (35), 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 Bakiyaraj @ Parasuraman (35), son of Uthirapathy, a resident of No. 9, Kalainjar Nagar, Manaveli, Ariyankuppam, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case submitted by the Station House Officer, Ariyankuppam Police Station, Puducherry, through the Superintendent of Police (South), Puducherry *vide* I.R.No. 20/2022 under section 144 of Cr.P.C., dated 16-06-2022. 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, dacoity, robbery, hurt, riot, explosive cases. The Counter Petitioner has created panic in the mind of local inhabitants. It is also stated that he is extorting money from the local merchants and is leading lavish life with the money earned through extortion. 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 do not come forward voluntarily to give evidence against him in the case 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. 49/2003 under sections 147, 148, 324, 323, 506(2), r/w 149 IPC, dated 21-04-2003 – Acquitted.
2. Cr.No. 189/2008 under sections 341, 506(ii), r/w 34 IPC, dated 02-09-2008 – Acquitted.
3. Cr.No. 64/2013 under sections 34 B IX of PP Act, dated 14-05-2013 – Pending Trial.
4. Cr.No. 140/2004 under sections 147, 148, 341, 302 IPC, r/w 149, IPC, of Grand Bazar Police Station, Puducherry – Acquitted.
5. Cr.No. 23/2006 under sections 25(1-A) of Arms Act and 4 (B) Explosive Substances Act, 1908, dated 05-02-2006, Mudaliarpur Police Station, Puducherry – Acquitted.
6. Cr.No. 4/2006 under sections 394, r/w 34 IPC of D’Nagar Police Station, Puducherry and Orleanpet Police Station, Puducherry – Pending Trial.
7. Cr.No. 644/2004 under sections 147, 148, 341, 302 IPC of Kottakuppam Police Station, Tamil Nadu – Pending Trial.
8. Cr.No. 272/2006 under sections 147, 148, 324, 307, 302 IPC, r/w 149 and section 3 Explosive Substances Act, 1908 of Auroville Police Station, Tamil Nadu – Pending Trial.
9. Cr.No. 371/2005 under sections 147, 148, 286, 427, 307 IPC section 3 and 4 of Explosive Substances Act, 1908, dated 09-08-2005 of Thiruvarur Police Station, Tamil Nadu – Pending Trial.
10. Cr.No. 152/2004 under sections 5 of Explosive Substances Act, 1908, r/w 24(i) of cases (a) of Arms Act of Reddichavadi Police Station, Tamil Nadu – Pending Trial.
11. Cr.No. 161/2014 under sections 341, 294(b), 323, 324, 506(ii) IPC, dated 19-04-2014 – Pending Trial.

12. Cr.No. 111/2015 under sections 294(b), 324, 506(ii) IPC, dated 16-05-2015 – Pending Trial.

4. The Petitioner further submitted that the Counter Petitioner is a notorious rowdy element and become a source of terror among the public. It is also stated that he has involved in various offences by using aruval, knife, and explosive substances to attack the victims.

5. 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. The Counter Petitioner is hatching plans to threaten the business people in the Puducherry urban and rural area and extort money from them by threatening and he violated the conditions imposed by the Criminal Courts and have scant respect to the judiciary and rule of law. 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 the Ariyankuppam limits, it is apprehended that he would continue to indulge in serious offences like murder, extortion, damage 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, Ariyankuppam 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 12-07-2022 to appear for the hearing 26-07-2022 at 10.00 a.m. and further hearing on 01-08-2022, 02-08-2022, 04-08-2022, 11-08-2022, and 24-08-2022. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Ariyankuppam Police Station, Puducherry. The notice for the Counter Petitioner was received by his wife, Tmt. P. Meenatchi. The service was held sufficient for the Counter Petitioner.

8. On 26-07-2022, the Petitioner represented by Thiru K. Pajanissamy, Sub-Inspector of Police, the former Station House Officer, Thiru Ramesh, Sub-Inspector of Police, Ariyankuppam Police Station, Puducherry and the Counter Petitioner were present. The learned Counsels, Thiruvalargal S. Youvaradjane, J. Jayakumar and N. Ruthirapathy filed vakalath and represented on behalf of the Counter Petitioner.

9. 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 Thiru Bakiyaraj @ Parasuraman (35), 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 12 criminal cases were registered against him in various Police Stations. I have also heard the written submissions of learned Counsels for the Counter Petitioner. The learned Counsels for Counter Petitioner has stated that the Petitioner has filed this false case with an ulterior motive and prayed to dismiss the petition filed by the Petitioner herein and pass an order for discharge of the Counter Petitioner in the said case.

10. 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, extortion, damages to public and private properties, assault, 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.

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 Bakiyaraj @ Parasuraman (35), son of Uthirapathy, a resident of No. 9, Kalainjar Nagar, Manaveli, Ariyankuppam, 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 24th day of August, 2022, pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).

**IN THE COURT OF THE SUBDIVISIONAL MAGISTRATE (NORTH)
AT PUDUCHERRY**

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

M.C. No. 152/2022, I.R.No. 28/2022 under section 144 of Cr.P.C./2287

ORDER

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

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

.. Petitioner

Vs

Thiru Suriya @ Sankar Ganesh (21),
S/o. Ravi,
No. 04, New Street,
Sanarapet, Mettupalayam,
Puducherry.

.. Counter Petitioner

This petition along with case sheet is filed by the Station House Officer, Mettupalayam, Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Suriya @ Sankar Ganesh, 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 Suriya @ Sankar Ganesh (21), son of Ravi, No. 04, New Street, Sanarapet, Mettupalayam, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case is submitted by the Station House Officer, Mettupalayam Police Station, Puducherry, with the recommendation of the Superintendent of Police (North), Puducherry *vide* I.R.No. 28/2022, under section 144 of Cr.P.C., dated 21-06-2022. Therein, it has been stated that the Counter Petitioner has indulging in crime such as murder, dacoity, hurt, riot, intimidation, and disturbance to the public tranquility and order. The Counter Petitioner has created panic in the minds of local inhabitants. It is also stated that 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 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 case where he is the accused. In this connection, Petitioner had stated that the following criminal cases were registered against the Counter Petitioner.

1. Cr.No. 21/2019 under sections 309, 402 IPC, dated 05-03-2019 of Mettupalayam Police Station, Puducherry.
2. Cr.No. 111/2018 under sections 399, 402, IPC and 25(1)(a) of Arms Act 1959, dated 05-12-2018 of Mettupalayam Police Station, Puducherry.
3. Cr.No. 84/2017 under sections 147, 148, 342, 302, 307 IPC, r/w 149 IPC and 3 and 4 of Explosive Substances Act, 1908 @ 148, 109, 120-B, 144, 114, 342, 302, 307, 326, 324 IPC, r/w 149 IPC and 3 and 4 of Explosive Substance Act, 1908, dated 19-10-2017 Mettupalayam Police Station, Puducherry.
4. Cr.No. 77/2017 under sections 294(b), 324, 427, 506(ii), r/w 34 IPC @ 147, 148, 448, 294(b), 324, 427, 506(ii), r/w 149 IPC, dated 29-03-2017 of D'Nagar Police Station, Puducherry.

4. The Petitioner further submitted that the Counter Petitioner is a notorious rowdy element and become a source of terror among the public. 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.

5. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Puducherry limits, it is apprehended that he would continue to indulge in serious offences like murder, assault, extortion, obstructions, annoyance, damages to public and private properties, *etc.*, and thereby emerged as a perennial source of threat to the community and disturb public peace and order. Hence, the Station House Officer, Mettupalayam Police Station, Puducherry, has prayed to invoke provisions under sections 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 of citizens and uphold public peace 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 29-07-2022 to appear for the hearing on 03-08-2022 at 10.00 a.m. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Mettupalayam Police Station, Puducherry. The notice for the Counter Petitioner was received by his mother, Thiru Gandhimathi. The service was held sufficient for the Counter Petitioner.

7. On 03-08-2022, the Petitioner represented by Thiru Arul, Assistant Sub-Inspector, Mettupalayam Police Station, Puducherry, was present. The Counter Petitioner has failed to appear before the Court on hearing date.

8. 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 Suriya @ Sankar Ganesh, 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 4 criminal cases were registered against him in various Police Stations.

9. On perusal of the records submitted by the Petitioner and the recommendation of the Superintendent of Police (North), 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, extortion, obstructions, annoyance, damages to public and private properties, *etc.*, and thereby emerged as 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 the section 144(1) of the Code of Criminal Procedure, pass this order and prohibit the Counter Petitioner Thiru Suriya @ Sankar Ganesh (21), son of Ravi, a resident of No. 04, New Street, Sanarapet, Mettupalayam, 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 03rd day of August, 2022, pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).

**IN THE COURT OF THE SUBDIVISIONAL MAGISTRATE (NORTH)
AT PUDUCHERRY**

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

M.C. No. 153/2022, I.R.No. 30/2022 under section 144 of Cr.P.C./2288

ORDER

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

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

. . . Petitioner

Vs

Thiru Ganesh @ Kannukutti Ganesh @ Anandh (45),
S/o. Gurusamy,
No. 77, Bajanaimadam Street,
Muthirayarpalayam,
Puducherry.

. . . Counter Petitioner

This petition along with case sheet is filed by the Station House Officer, Mettupalayam, Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Ganesh @ Kannukutti Ganesh @ Anandh, 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 Ganesh @ Kannukutti Ganesh @ Anandh (45), son of Gurusamy, a resident of No. 77, Bajanaimadam Street, Muthirayarpalayam, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case is submitted by the Station House Officer, Mettupalayam Police Station, Puducherry, with the recommendation of the Superintendent of Police (North), Puducherry *vide* I.R.No. 30/2022, under section 144 of Cr.P.C., dated 07-08-2022. Therein, it has been stated that the Counter Petitioner has indulging in crimes such as murder, extortion, intimidation and disturbance to the public tranquility and order. It is also stated that the Counter Petitioner has created panic in the mind of local inhabitants and he is leading lavish life with the money earned through extortion. As 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 case where he is the accused. In this connection, Petitioner had stated that the following criminal cases were registered against the Counter Petitioner.

1. Cr.No. 84/2017 under sections 147, 148, 342, 302, 307 IPC, r/w 149 IPC and 3 and 4 of Explosive Substances Act, 1908 @ 148, 109, 120-B, 144, 114, 342, 302, 307, 324 IPC, r/w 149 IPC and 3 and 4 of Explosive Substance Act, 1908, dated 19-10-2017 Mettupalayam Police Station, Puducherry.
2. Cr.No. 96/2014 under sections 148, 302, 120(B), 109 IPC, r/w 149 IPC, dated 13-08-2014 of Mettupalayam Police Station, Puducherry– Pending Trial.

3. Cr.No. 55/2014 under sections 324, 323, 506(ii) IPC, r/w 34 IPC, dated 11-05-2014 of Mettupalayam Police Station, Puducherry – Compounded.
4. Cr.No. 27/2010 under sections 25(1)(a) of Arms Act, 1959, dated 18-02-2010 of Mettupalayam Police Station, Puducherry – Acquitted.
5. Cr.No. 95/2005 under sections 147, 148, 324, 302, r/w 149 IPC, dated 13-07-2005 of Mettupalayam Police Station, Puducherry – Acquitted.
6. Cr.No. 60/2004 under sections 341, 323, 506(1), r/w 34 IPC, dated 25-04-2004 – Convicted.
7. Cr.No. 79/2003 under sections 341, 325, r/w 34 IPC, dated 28-09-2003 – Acquitted.
8. Cr.No. 12/2003 under sections 324, r/w 34 IPC, dated 17-01-2003 – Acquitted.
9. Cr.No. 52/2000 under sections 452, 324, r/w 34 IPC, dated 08-08-2000 – Convicted.

4. The Petitioner submitted that the Counter Petitioner is a notorious rowdy element and become a source of terror among the public. The Counter Petitioner was recently released from central prison, Kalapet. The Petitioner further stated that the Counter Petitioner is having enmity with one Tamizh @ Thamizharasan (31), son of Segar of Gandhi Thirunallur, Muthirayarpalayam, Puducherry. It is further stated that the Counter Petitioner also 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. 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.

5. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Puducherry North limits, it is apprehended that he would continue to indulge in serious offences like murder, extortion, assault, obstructions, annoyance, damages to public and private properties, *etc.*, and thereby emerged as a perennial source of threat to the community and disturb public peace and order. Hence, the Station House Officer, Mettupalayam 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 of citizens and uphold public peace 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 29-07-2022 to appear for the hearing on 03-08-2022 at 10.00 a.m. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Mettupalayam Police Station, Puducherry. The notice for the Counter Petitioner was received by his mother, Tmt. Lakshmi. The service was held sufficient for the Counter Petitioner.

7. On 03-08-2022, the Petitioner represented by Thiru Arul, Assistant Sub-Inspector, Mettupalayam Police Station, Puducherry, was present. The Counter Petitioner has failed to appear before the Court on hearing date.

8. I have heard the Petitioner 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 Thiru Ganesh @ Kannukutti Ganesh @ Anandh 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 9 criminal cases were registered against him in Mettupalayam Police Station, Puducherry.

9. On perusal of the records submitted by the Petitioner and the recommendation of the Superintendent of Police (North), 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, extortion, obstructions, annoyance, damages to public and private properties, *etc.*, and thereby emerged as 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 the section 144(1) of the Code of Criminal Procedure, pass this order and prohibit the Counter Petitioner Thiru Ganesh @ Kannukutti Ganesh@ Anandh (45), son of Gurusamy, a resident of No. 77, Bajanimadam Street, Muthirayarpalayam, 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 03rd day of August, 2022, pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).