



# 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. 173/2023 of I.R. No. 67/2023 Under Section 144 of Cr.P.C./3166

#### ORDER

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

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

.. Petitioner

*Vs.*

Thiru Selvam @ Selvanathan (39),  
S/o. Manikannan,  
No. 44, Veerampattinam Street,  
Odaively, 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 Selvam @ Selvanathan (39), 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 Selvam @ Selvanathan (39), S/o. Manikannan, a resident of No. 44, Veerampattinam Street, Odaively, 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. 67/2023 under section 144 of Cr.P.C., dated 24-07-2023. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent upon indulging in crime such as murder by using lethal weapons. The Counter Petitioner has created panic in the minds of local inhabitants. 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 was registered against the Counter Petitioner.

Cr.No. 44/2023 under sections 302, 201 IPC r/w 34 IPC of Ariyankuppam 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 is not having any job of his own but he is leading a lavish life with the money earned through extortion.

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 areas 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, Counter Petitioner is allowed to reside in Ariyankuppam limits, it is apprehended that he would continue to indulge in serious offences like murder, 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 16-11-2023 to appear for the hearing on 30-11-2023

and subsequent hearing on 07-12-2023. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Ariyankuppam Police Station, Puducherry. The notice was received by the Counter Petitioner.

8. On 07-12-2023, the Petitioner Thiru J. Muruganandham, Sub-Inspector, Ariyankuppam Police Station, Puducherry and the Counter Petitioner were present. The Learned Counsel, Thiru S. Youvaradjane, 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 Selvam @ Selvanathan (39), 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 and disturbance to the public peace and order. There is one criminal case was registered against him in the Ariyankuppam Police Station.

10. During the Course of enquiry on 07-12-2023, the Counter Petitioner denies all the allegations contained in the notice as well as petition, which are false and baseless. The Petitioner had suppressed the material facts and filed the present petition is totally to mislead the court. The Counter Petitioner further submitted that the petitioner has cited that he involved in one case *vide* Cr. No. 44/2023 under sections 302, 201 I.P.C. r/w 34 of I.P.C. of Ariyankuppam Police Station and he prefer a bail application before the Hon'ble II Additional Sessions Judge at Pondicherry and released on bail with conditions. And also, he comply the order of the Hon'ble court without any deviation according to law. The Counter Petitioner is working as a driver and living in his native village with his wife and two female children with great reputation. The Counter Petitioner submits the petitioner does not follow the procedural laws and initiate the case against the Counter Petitioner only on base of information. The Counter Petitioner submits that the prevention shall be reasonable and must establish a close link with the grounds responsible for the occurrence of public unrest or any apprehended danger; otherwise the proceedings is invalid and illegal. The Counter Petitioner submits that prior to the case he was falsely implicated in the above said case. Further, submitted that there is no pending case against him in any Court of law. The Counter Petitioner submits that the police report does not indicate any single instance that the counter petitioner is potential danger to human life or public tranquility or riot or an affray. The Counter Petitioner submits that the petitioner did not state the material facts of the urgency in writing and the potential reasons that could result in a situation leading peace. The Counter Petitioner submits that the petition filed by the petitioner against him is very vague and does not satisfy the ingredients of the provision. This Counter Petitioner submits that the petitioner should not restrain the private individual's liberty by filing this petition when there is no apprehension of the breach of peace of the Counter Petitioner and it would curb every citizen right. This Counter Petitioner further submits that the material necessary for invocation of the jurisdiction under section 144 (i), (ii), (iii) of Cr.P.C. is clearly lacking in the above case and therefore the application deserves to be dismissed otherwise he will suffer great hardship and loss and unnecessarily violate the citizen's fundamental rights, illegal and arbitrary which in not maintainable in law and liable to dismissed. Hence, the Counter Petitioner prayed to dismiss the petition filed by the Petitioner. I have also heard the written submissions of the Learned Counsel for the Counter Petitioner. The Learned Counsel for the Counter Petitioner has stated that, the

Petitioner has filed this false case with an ulterior motive and prayed to dismiss this case. In this regard, the Learned Counsel for Counter Petitioner has filed a Counter statement.

11. During the Course of enquiry on 07-12-2023, the Petitioner submitted that a Note, dated 25-07-2023 of the Inspector of Police, Special Task Force, Puducherry that on 31-03-2023 one Thiru Gnanasegaran (39) of Manavely, Ariyankuppam was murdered by A1. Selvam (37), A2. Iyyappan @ Balaji, A3. Lourd Marie (35) (deceased wife) due to illegal affair between deceased wife and A1. Selvam (37). In this regard, a case was registered *vide* Cr.No. 44/2023, under sections Man Missing @ 120, 364, 50, 302, 201 IPC r/w SC/ST Act r/w 34 IPC of Ariyankuppam Police Station, Puducherry. Further, submitted that they have received a reliable information that one Vengatesh @ Chinnathambi (32), s/o. Chandiran brother of deceased Gnanasegaran and his friend Karthi (35) of Thavalakuppam are planning to eliminate Selvam for revenge retaliation. The Petitioner submitted that a petition has been given by the father of the deceased Gnanasegaran who is alleged to be murdered by the Counter Petitioner that, the Counter Petitioner is posing danger to his son Vengatesh. Hence, the Petitioner submitted that the Counter Petitioner may be extended for a period of two months.

12. Upon hearing both sides and on perusal of the records submitted by the Petitioner, Counter Petitioner and Report of the Inspector of Police, Special Task Force, Puducherry, 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, hurt, 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 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.

13. 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 Selvam @ Selvanathan (39), son of Manikannan, a resident of No. 44, Veerampattinam Street, Odaively, 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.

At Puducherry, dated on this 07th day of December, 2023 pronounced in the open Court.

**M. KANDASAMY,**  
Subdivisional Magistrate (North).