



புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry

The Gazette of Puducherry

PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

EXTRAORDINARY

அதிகாரம் பெற்ற
வெளியீடு

Publiée par
Autorité

Published by
Authority

எண்	} 4	புதுச்சேரி	வியாழக்கிழமை	2023 லு	சனவர் மீ	5 ம
No.		Poudouchéry	Jeudi	5	Janvier	2023 (15 Pausa 1944)
No.		Puducherry	Thursday	5th	January	2023

IN THE COURT OF SUBDIVISIONAL MAGISTRATE (NORTH) AT PUDUCHERRY

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

M.C. No. 155/2022 of I.R. No. 41/2022 Under Section 144 of Cr.P.C./17

ORDER

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

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

.. Petitioner

Vs.

Thiru Kavi @ Kaviarasan @ Manibalan (22),
S/o. Kandiyappan,
3rd Cross, Murugan Koil Back Side,
Periyar Nagar, Nellithope
Puducherry.

.. Counter Petitioner

This petition along with case sheet is filed by the Station House Officer, Orleanpet Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Kavi @ Kaviarasan @ Manibalan (22), 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 Kavi @ Kaviarasan @ Manibalan (22), son of Kandiyappan, a resident of No. 3rd Cross, Murugan Koil Back Side, Periyar Nagar, Nellithope, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case submitted by the Station House Officer, Orleanpet Police Station, Puducherry, through the Superintendent of Police (East), Puducherry *vide* I.R.No. 41/2022 under section 144 of Cr.P.C., dated 21-07-2022 and additional information of the Station House Officer, Orleanpet Police Station, Puducherry, dated 13-12-2022. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and indulging in crimes such as ganjas, arms, explosive cases, attempt to murder, hurt, and disturbance to the public tranquility and order. As a result, the people of the locality being afraid of the Counter Petitioner do not come forward to lodge any complaint against him. In this connection, the Petitioner had stated that the following criminal cases were registered against the Counter Petitioner.

1. Cr.No. 42/2017 under sections 20(b) r/w 8 (c) NDPS Act of 1985, r/w 149 IPC of Orleanpet Police Station, Puducherry.
2. Cr.No. 160/2017 under sections 25(1) (a) of Arms Act and 506 (ii) IPC of Orleanpet Police Station, Puducherry.
3. Cr.No. 92/2022 under section 4 (b) of Explosive Substances Act, 1908 r/w 34 IPC, dated 05-05-2022 of Orleanpet Police Station, Puducherry.

4. The Petitioner further stated that the Counter Petitioner is having close contact with more number of accused persons and intentionally engaged persons by hiring them by providing liquors and insisting them to create problems with their opposite groups. But, the activities of the Counter Petitioner would provoke enmity between the groups as earlier.

5. It is also stated in the I.R that the Station House Officer has received reliable information that the Counter Petitioner 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. He is hatching plans to threaten the business people in the Puducherry 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. It is also stated that the Counter Petitioner had violated the conditions imposed by the Criminal Courts.

6. It is also stated in the I.R that the Counter Petitioner is young and energetic and shows his muscle power by committing offences for petty reasons. It is further stated in the I.R that he is very active and may commit any cognizable offence in connection with the prevailing law and order situation in that area.

7. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Orleanpet Police Station limits, Puducherry, it is apprehended that he would continue to indulge in serious offences like criminal intimidation, ganjas, arms, explosive, assault, obstructions and annoyance, damages to the 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, Orleanpet 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.

8. 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 19-12-2022 to appear for the hearing on 22-12-2022 at 10.00 a.m. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Orleanpet Police Station, Puducherry. The notice was received by the Counter Petitioner.

9. On 22-12-2022, the Petitioner represented by Thiru Chandrasegaran, Sub-Inspector, Orleanpet Police Station, Puducherry and Counter Petitioner were present.

10. I have heard both the sides 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 Kavi @ Kaviarasan @ Manibalan (22), 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 explosive substance case, ganja, arms case, explosive case and disturbance to the public peace and order. There are three criminal cases were registered against him in the Orleanpet Police Station, Puducherry.

11. On perusal of the records submitted by the Petitioner and the recommendation of the Superintendent of Police (East), 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 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.

12. 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 Kavi @ Kaviarasan @ Manibalan (22), son of Kandiyappan, a resident of 3rd Cross, Murugan Koil Back Side, Periyar Nagar, Nellithope, 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 the 22nd day of December, 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. 185/2022 of I.R. No. 42/2022 Under Section 144 of Cr.P.C./18

ORDER

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

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

. . . Petitioner

Vs.

Thiru Aravindh (19),
S/o. Jean Michel Danial Saintilare,
No. 8, 8th Cross, Murugan Koil Back Side,
Periyar Nagar, Nellithope,
Puducherry.

. . . Counter Petitioner

This petition along with case sheet is filed by the Station House Officer, Orleanpet, Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Aravindh (19), 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 Aravindh (19), son of Jean Michel Danial Saintilare, a resident of No. 8, 8th Cross, Murugan Koil Back Side, Periyar Nagar, Nellithope, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case submitted by the Station House Officer, Orleanpet Police Station, Puducherry, through the Superintendent of Police (East), Puducherry *vide* I.R.No. 42/2022 under section 144 of Cr.P.C., dated 26-07-2022 and additional information of the Station House Officer, Orleanpet Police Station, Puducherry, dated 13-12-2022. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and indulging in crimes such as explosive cases, attempt to murder and disturbance to the public tranquility and order. As a result, the people of the locality being afraid of the Counter Petitioner do not come forward to lodge any complaint against him. In this connection, the Petitioner had stated that the following criminal cases were registered against the Counter Petitioner.

1. Cr.No. 209/2020 under sections 307, 324 IPC r/w 34 IPC @ 147, 148, 307, 294 (b), 324 IPC r/w 149 IPC @ 147, 148, 307, 294 (b), 323, 324 IPC r/w 149 IPC, dated 19-10-2020 of Orleanpet Police Station, Puducherry.
2. Cr.No. 92/2022 under sections 4 (b) of Explosive Substances Act, 1908 r/w 34 IPC, dated 05-05-2022 of Orleanpet Police Station, Puducherry.

4. The Petitioner further stated that the Counter Petitioner is having close contact with more number of accused persons and intentionally engaged persons by hiring them by providing liquors and insisting them to create problems with their opposite groups. But, the activities of the Counter Petitioner would provoke enmity between the groups as earlier.

5. It is also stated in the I.R that the Station House Officer has received reliable information that the Counter Petitioner 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. He is hatching plans to threaten the business people in the Puducherry 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. It is also stated that the Counter Petitioner had violated the conditions imposed by the Criminal Courts.

6. It is also stated in the I.R that the Counter Petitioner is young and energetic and shows his muscle power by committing offences for petty reasons. It is further stated in the I.R that he is very active and may commit any cognizable offence in connection with the prevailing law and order situation in that area.

7. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Orleanpet Police Station limits, Puducherry, it is apprehended that he would continue to indulge in serious offences like criminal intimidation, affray, explosive, assault, obstructions and 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, Orleanpet 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.

8. 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 19-12-2022 to appear for the hearing on 22-12-2022 at 10.00 a.m. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Orleanpet Police Station, Puducherry. The notice was received by the Counter Petitioner.

9. On 22-12-2022, the Petitioner represented by Thiru Chandrasegaran, Sub-Inspector, Orleanpet Police Station, Puducherry and Counter Petitioner were present.

10. I have heard both the sides 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 Aravindh (19), 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 attempt to murder, explosive case and disturbance to the public peace and order. There are two criminal cases were registered against him in the Orleanpet Police Station, Puducherry.

11. On perusal of the records submitted by the Petitioner and the recommendation of the Superintendent of Police (East), 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 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.

12. 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 Aravindh (19), son of Jean Michel Danial Saintilare, a resident of No. 8, 8th Cross, Murugan Koil Back Side, Periyar Nagar, Nellithope, 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 the 22nd day of December, 2022 pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).
