



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	30th	March	2023

IN THE COURT OF SUBDIVISIONAL MAGISTRATE AT KARAIKAL

M.C. No. 25/2023/27-03-2023/266

I.R. No. 05/2023 of the Thirunallar Police Station, dated 22-03-2023
received in this Court on 24-03-2023.

State, Represented by the Station House Officer,
Thirunallar Police Station,
Karaikal.

.. Petitioner

Vs.

Thiru Mani Maran @ Mani,
S/o. Harikrishnan, West Street, Pettai,
Thirunallar,
Karaikal.

.. Counter Petitioner

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

Whereas, one information under I.R. No.05/2023 of the Thirunallar Police Station, Karaikal, dated 22-03-2023 was received in this Court on 24-03-2023 as a 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 namely, Thiru Mani Maran @ Mani, son of Harikrishnan, who is allegedly one among the accused to have carried out the brutal murder of the deceased namely, K. Devamani and also he is reported to have been indulging in serious offences like, extortion, hurt, criminal intimidation and thereby would become a perennial source of threat to the community and disturbance to the public tranquility.

2. The Petitioner has submitted that the Counter Petitioner Thiru Mani Maran @ Mani, is involved in the murder case of Thiru 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 and is a permanent resident of Thirunallar which comes under the territorial jurisdiction of this authority. He is reported to have been the master mind of the murder case and he had conspired with the co-accused to carry out the murder of Devamani, in order to set some score on personal enmity with the deceased on some Labour contract issue. The Counter Petitioner is also reported to be personally involved to hire the rowdy elements and other co-accused from Mayiladuthurai, Tamil Nadu, to carry out the murder of the deceased Devamani. The Counter Petitioner is reported to have designed and planned to eliminate the complainant of the murder and also the main witnesses of the murder case of 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 petitioner as detailed in the special report filed by the Station House Officer, Thirunallar Police Station, Karaikal *vide* I.R. No. 05/2023, dated 22-03-2023 under section 144 of Cr.P.C., in which a case has been registered under Crime Number 160/2021 under section 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.

4. Whereas, Counter Petitioner was arrested and remanded to the Judicial custody by the Hon'ble Court of JM-II at Karaikal following which he was lodged in the Central Jail, Kalapet, Puducherry. The Station House Officer of Thirunallar Police Station, Karaikal, also states that the Counter Petitioner namely, Thiru Mani Maran @ Mani, has been listed as accused (A-1) 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 JM-II Court, Karaikal *vide* PRC No. 1/2022.

5. Whereas, It appears to this Court that the Counter Petitioner has been granted with a Conditional Bail *vide* Orders of the Hon'ble High Court of Madras Judicature at Chennai in CrI.O.P No. 6231 of 2023, dated 21-03-2023 with conditions imposed by the Hon'ble Court in Para 6(b) that :-

“the Petitioner shall report before the respondent Police every Monday and Friday at 10.30 am until completion of the proceedings”

6. Whereas, the Station House Officer, Thirunallar Police Station, Karaikal, further submits that in view of the above reasons, the Counter Petitioner Thiru Mani Maran @ Mani, 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 Petitioner is allowed to enter into the limits of the Thirunallar and Karaikal region, he will certainly threaten the witnesses to hinder their lawful deposition by using his influence and that he may threaten the witnesses and that his entry into Thirunallar area may cause communal clashes between two different community groups since the victimized and his supporters are agitated against the Counter Petitioner and his family members and also that if, the Counter Petitioner is allowed to enter Thirunallar area, he would get more freedom to commit similar crimes in future.

7. Whereas, according to the Petitioner, it is necessary to keep Counter Petitioner under preventive and Prohibitory orders so as to curtail his 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. 05/2023, dated 22-03-2023 under section 144 of Cr.P.C., and hence, prayed before this Court that the Counter Petitioner may be ordered not to enter in Karaikal region for a period of Six months excepts on days when he is 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.

8. Whereas, I am satisfied that based on the information placed before me and other facts which are brought out through enquiry report placed by the Station House Officer, Thirunallar Police Station, Karaikal that if, the Counter Petitioner is allowed to move free handedly within the jurisdiction of Karaikal District, then his 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 within the jurisdiction of Thirunallar Police Station, Karaikal and also within the entire jurisdiction of this Court in Karaikal District since, his 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 are not contained by the Prohibitory Orders.

9. Whereas, this present situation demands urgent action towards maintenance of Law and Order conditions in the entire area under the Jurisdiction of this Court. Issue of show cause Notice and conduct of enquiry are not feasible due to time constraint hence, this Court prefers to impose provisions as contained under section 144(ii) of Cr.P.C., to issue the Prohibitory Orders under section 144(i), (ii) and (iii) of Cr.P.C. as *ex parte*.

10. Hence, I, G. Johnson, 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 Petitioner, doth hereby pass prohibitory orders to the Counter Petitioner, Thiru Mani Maran @ Mani, under sections 144 (i), (ii) and (iii) of Cr.P.C., to restrain him not to enter into the entire region of Karaikal District which is under the jurisdiction of this Court, for a period of 2 (Two) months (or) 60 (Sixty) days with effect from the date of issue 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 he is required by any Court of law to comply with any lawful directions and conditions as imposed by the Hon'ble Madras High Court as directed in CrI.O.P No. 6231 of 2023, dated 21-03-2023 with conditions in para 6(b) that "the Petitioner shall report before the respondent Police every Monday and Friday at 10.30 a.m. until completion of the proceedings".

11. The Station House Officer, Thirunallar Police Station, Karaikal, is directed to keep a close vigil and watch on the movements of the Counter Petitioner and if, anything is found in violation of the conditions imposed by the Madras High Court, that should be immediately reported to this Court without fail.

Given under my hand and seal of this Court, on this 27th day of March 2023.

G. JOHNSON,
Subdivisional Magistrate.
