



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	புதுச்சேரி	வியாழக்கிழமை	2023	மே	18	
No.	56 Poudouchéry	Jeudi	18	Mai	2023	(28 Vaisakha 1945)
No.	Puducherry	Thursday	18th	May	2023	

IN THE COURT OF SUBDIVISIONAL MAGISTRATE (NORTH)
AT PUDUCHERRY

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

M.C. No. 41/2023 of I.R. No. 15/2023 Under Section 144 of Cr.P.C./1273

ORDER

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

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

.. Petitioner

Vs.

Thiru Aali @ Uthayapraksh @ Sakthivel (23),
S/o. Murugaiyan,
N.R. Nagar,
Edaiyarpalayam,
Puducherry.

.. Counter Petitioner

This petition along with case sheet is filed by the Station House Officer, Thavalakuppam Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Aali @ Uthayapraksh @ Sakthivel (23), 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 Aali @ Uthayapraksh @ Sakthivel (23), son of Murugaiyan, a resident of N.R. Nagar, Edaiyarpalayam, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case submitted by the Station House Officer, Thavalakuppam Police Station, Puducherry, with the recommendation of the Superintendent of Police (South), Puducherry *vide* I.R.No. 15/2023 under section 144 of Cr.P.C., dated 02-03-2023. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent upon indulging in crime such as rioting/snatching, explosive case by using lethal weapons along with his hooligans. It is also stated that the Counter Petitioner has created panic in the minds of local inhabitants and 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 cases where he is the accused. In this connection, the Petitioner had stated that the following criminal case was registered against the Counter Petitioner.

1. Cr.No. 92/2022 under sections 294(b), 323, 356, 379 IPC r/w 149 IPC, dated 05-10-2022 of Thavalakuppam Police Station, Puducherry.

4. The Petitioner further stated that the Counter Petitioner is not a law abiding citizen and he is a young and very active notorious rowdy element. 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 Court, while he was released on bail. 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. It is also stated that he is hatching plans to threaten the business people in the Puducherry urban area and extort money from them by threatening. The Petitioner further 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.

5. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Puducherry urban limits, it is apprehended that he would continue to indulge in serious offences like murder, attempt to murder, damages 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, Thavalakuppam Police Station, Puducherry, has prayed to invoke provisions under section 144 of Cr.P.C., against the Counter Petitioner to 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.

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 31-03-2023 to appear for the hearing on 02-05-2023. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Thavalakuppam Police Station, Puducherry. The notice was received by the Counter Petitioner.

7. On 02-05-2023, the Petitioner Thiru G. Thirumurugan, Sub-Inspector, Thavalakuppam Police Station, Puducherry and the Counter Petitioner were present.

8. 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 the Counter Petitioner 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 assault, unlawful activities and disturbance to the public peace and order. There is one criminal case was registered against him in Thavalakuppam Police Station, Puducherry. I have also heard the oral submissions of the Counter Petitioner. The Counter Petitioner has stated that the Petitioner has filed this false case with an ulterior motive.

9. 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 in Puducherry urban limits, the Counter Petitioner will continue to indulge in and also motivate serious offences like murder, attempt to murder, assault, damages to 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.

10. 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 Aali @ Uthayapraksh @ Sakthivel (23), son of Murugaiyan, a resident of N.R. Nagar, Edaiyarpalayam, 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 02nd day of May, 2023 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. 42/2023 of I.R. No. 16/2023 Under Section 144 of Cr.P.C./1274

ORDER

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

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

. . . Petitioner

Vs.

Thiru Jakku @ Jagadeeswaran (19),
S/o. Murugaiyan,
6th Cross,
N.R. Nagar,
Edaiyarpalayam,
Puducherry.

. . . Counter Petitioner

This petition along with case sheet is filed by the Station House Officer, Thavalakuppam Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against the Counter Petitioner 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 Jakku @ Jagadeeswaran (19), son of Murugaiyan, a resident of 6th Cross, N.R. Nagar, Edaiyarpalayam, Puducherry.

3. *The facts which led up to the petition are briefly as follows:* The case submitted by the Station House Officer, Thavalakuppam Police Station, Puducherry, with the recommendation of the Superintendent of Police (South), Puducherry *vide* I.R.No. 16/2023 under section 144 of Cr.P.C., dated 03-03-2023. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent upon indulging in crime such as rioting/snatching, explosive case by using lethal weapons along with his hooligans. It is also stated that the Counter Petitioner has created panic in the minds of local inhabitants and 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 cases where he is the accused. In this connection, the Petitioner had stated that the following criminal case was registered against the Counter Petitioner.

1. Cr.No. 92/2022 under sections 294(b), 323, 356, 379 IPC r/w 149 IPC, dated 05-10-2022 of Thavalakuppam Police Station, Puducherry.

4. The Petitioner further stated that the Counter Petitioner is not a law abiding citizen and he is a young and very active notorious rowdy element. 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 Court while he was released on bail. 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. It is also stated that he is hatching plans to threaten the business people in the Puducherry urban area and extort money from them by threatening. The Petitioner further 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.

5. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in Puducherry urban limits, it is apprehended that he would continue to indulge in serious offences like murder, attempt to murder, damages 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, Thavalakuppam Police Station, Puducherry, has prayed to invoke provisions under section 144 of Cr.P.C., against the Counter Petitioner to 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.

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 31-03-2023 to appear for the hearing on 02-05-2023. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Thavalakuppam Police Station, Puducherry. The notice was received by the Counter Petitioner.

7. On 02-05-2023, the Petitioner Thiru G. Thirumurugan, Sub-Inspector, Thavalakuppam Police Station, Puducherry and the Counter Petitioner were present.

8. 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 the Counter Petitioner 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 assault, unlawful activities and disturbance to the public peace and order. There is one criminal case was registered against him in Thavalakuppam Police Station, Puducherry. I have also heard the oral submissions of the Counter Petitioner. The Counter Petitioner has stated that the Petitioner has filed this false case with an ulterior motive.

9. 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 in Puducherry urban limits, the Counter Petitioner will continue to indulge in and also motivate serious offences like murder, attempt to murder, assault, damages to 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.

10. 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 Jakku @ Jagadeeswaran (19), son of Murugaiyan, a resident of 6th Cross, N.R. Nagar, Edaiyarpalayam, 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 02nd day of May, 2023 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. 46/2023 of I.R. No. 17/2023 Under Section 144 of Cr.P.C./1275

ORDER

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

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

. . . Petitioner

Vs.

Thiru Kathir @ Kathirvel (29),
S/o. Ganesan,
Bagavathsingh Street,
Subbaiah Nagar,
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 Kathir @ Kathirvel (29), 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 Kathir @ Kathirvel (29) S/o. Ganesan, a resident of Bagavathsingh Street, Subbaiah Nagar, 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. 17/2023 under section 144 of Cr.P.C., dated 21-02-2023. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent upon indulging in crime such as murder, rioting, hurt by using lethal weapons. The Counter Petitioner has created panic in the minds 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 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 were registered against the Counter Petitioner.

1. Cr.No. 148/2007 under section 34 BB of PP Act.
2. Cr.No. 01/2009 under sections 324, 323, 506 (ii) IPC r/w 34 IPC, dated 01-01-2009.
3. Cr.No. 211/2009 under sections 324, 506(ii) r/w 34 IPC, dated 24-09-2009.
4. Cr.No. 164/2014 under section 160 IPC, dated 29-09-2014.
5. Cr.No. 6/2015 under sections 147, 148, 452, 324, 302 IPC and section 3 of Explosive Substances Act, 1908 r/w 149 IPC, dated 17-01-2015.
6. Cr.No.149/2018 under sections 448, 294(b), 427, 324, 506(ii) IPC r/w 149 IPC, dated 14-10-2018.

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 country made bombs, 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 areas and extort money from them by threatening and he violated the conditions imposed by the Criminal Courts and has 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, Counter Petitioner is allowed to reside in Ariyankuppam limits, it is apprehended that he would continue to indulge in serious offences like murder, damages to public and private properties, extortion, 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 to 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 31-03-2023 to appear for the hearing on 04-05-2023. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Ariyankuppam Police Station, Puducherry.

8. On 04-05-2023, the Petitioner represented by Thiru Palanisamy, Sub-Inspector, Ariyankuppam Police Station, Puducherry and the Counter Petitioner were present.

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 Kathir @ Kathirvel (29), 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, explosive substance Act case, assault, unlawful activities and disturbance to the public peace and order. There are 6 criminal cases were registered against him in the Police Station. I have also heard the oral submissions of the Counter Petitioner. The Counter Petitioner has stated that the Petitioner has filed this false case with an ulterior motive.

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, 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.

11. 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 Kathir @ Kathirvel (29), son of Ganesan, a resident of Bagavathsingh Street, Subbaiah Nagar, 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 04th day of May, 2023 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. 48/2023 of I.R. No. 19/2023 Under Section 144 of Cr.P.C./1276

ORDER

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

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

. . . Petitioner

Vs.

Thiru Guna @ Gunaseelan (28),
S/o. Anbarasan,
No. 10, Pudhukulam Street,
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 Guna @ Gunaseelan (28), 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 Guna @ Gunaseelan (28), son of Anbarasan, a resident of No. 10, Pudhukulam Street, 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. 19/2023 under section 144 of Cr.P.C., dated 23-02-2023. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent upon indulging in crime such as rioting, hurt by using lethal weapons. The Counter Petitioner has created

panic in the minds 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 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 were registered against the Counter Petitioner.

1. Cr.No. 57/2013 under section 160 IPC, dated 05-05-2013 – Convicted.
2. Ir.No. 16/2013 under section 151 Cr.P.C. @ 107 Cr.P.C., dated 07-08-2013.
3. Cr.No. 136/2013 under sections 324, 506 (ii) IPC r/w 34 IPC, dated 02-10-2013 – Pending Trial.
4. Cr.No. 26/2017 under section 20(b) NDPS Act r/w 8(c) of NDPS Act of 1985 r/w 34 IPC, dated 02-03-2017 – 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 country made bombs, aruval, knife and wooden log 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 areas and extort money from them by threatening and he violated the conditions imposed by the Criminal Courts and has 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, Counter Petitioner is allowed to reside in Ariyankuppam limits, it is apprehended that he would continue to indulge in serious offences like murder, damages to public and private properties, extortion, 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 to 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 31-03-2023 to appear for the hearing on 04-05-2023 and 11-05-2023. 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 mother Tmt. A. Sagayarani. The service was held sufficient for the Counter Petitioner.

8. On 11-05-2023, the Petitioner represented by Thiru Palanisamy, Sub-Inspector, Ariyankuppam Police Station, Puducherry, was present. The Counter Petitioner has failed to appear before the Court on hearing date.

9. 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 Guna @ Gunaseelan (28), 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 unlawful activities and disturbance to the public peace and order. There are 4 criminal cases were registered against him in the Police Station.

10. 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, 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.

11. 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 Guna @ Gunaseelan (28), son of Anbarasan, a resident of No. 10, Pudhukulam Street, 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 11th day of May, 2023 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. 51/2023 of I.R. No. 34/2023 Under Section 144 of Cr.P.C./1272

ORDER

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

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

. . . Petitioner

Vs.

Thiru Surendhar (20),
S/o. Iyyanar @ Gnanamoorthi,
No. 52, 2nd Cross Street,
Annai Indira Nagar,
Manjalai,
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 the Counter Petitioner 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 Surendhar (20), son of Iyyanar @ Gnanamoorthi, a resident of No. 52, 2nd Cross Street, Annai Indira Nagar, Manjalai, 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. 34/2023 under section 144 of Cr.P.C., dated 16-03-2023. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent upon indulging in crime such as murder, explosive case by using lethal weapons. The Counter Petitioner has created panic in the minds 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 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 were registered against the Counter Petitioner.

1. Cr.No. 138/2019 under sections 147, 148, 302 and 3 Explosive Substances Act, 1908 r/w 149 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 has involved in various offences by using country made bombs, 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 areas and extort money from them by threatening and he violated the conditions imposed by the Criminal Courts and has 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, Counter Petitioner is allowed to reside in Ariyankuppam limits, it is apprehended that he would continue to indulge in serious offences like murder, damages to public and private properties, extortion, 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 to 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 31-03-2023 to appear for the hearing on 04-05-2023 and 11-05-2023. 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 sister, Ms. G. Janani. The service was held sufficient for the Counter Petitioner.

8. On 11-05-2023, the Petitioner represented by Thiru Palanisamy, Sub-Inspector, Ariyankuppam Police Station, Puducherry was present. The Counter Petitioner has failed to appear before the Court on hearing date.

9. 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 Surendhar (20), 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, unlawful activities and disturbance to the public peace and order. There is one criminal case was registered against him in Ariyankuppam Police Station, Puducherry.

10. 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, 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.

11. 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 Surendhar (20), son of Iyyanar @ Gnanamoorthi, a resident of No. 52, 2nd Cross Street, Annai Indira Nagar, Manjalai, 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 11th day of May, 2023 pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).