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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. 96/2023 of I.R. No. 06/2023 Under Section 144 of Cr.P.C./11

ORDER

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

State Represented by the Inspector of Police,
Mudaliarpet Police Station,
Puducherry.

. . . Petitioner

Vs.

Thiru Kalvi @ Kalviselvam (30),
S/o. Selvapandian,
No. 523, 8th Cross,
Thulukanathamman Nagar,
Velrampet,
Puducherry.

. . . Counter Petitioner

This petition along with case sheet is filed by the Inspector of Police, Mudaliarpet 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 Kalvi @ Kalviselvam (30), son of Selvapandian, a resident of No. 523, 8th Cross, Thulukanathamman Nagar, Velrampet, Puducherry.

3. ***The facts which led up to the petition are briefly as follows:*** The case submitted by the Inspector of Police, Mudaliarpet Police Station, Puducherry, through the Superintendent of Police (South), Puducherry *vide* I.R.No. 06/2023 under section 144 of Cr.P.C., dated 27-07-2023. Therein, it has been stated that the Counter Petitioner has involved in crime such as hurt, attempt to murder, disturbance to the public tranquility and order. The Counter Petitioner has created panic in the minds of local inhabitants and the business people in the city limits. It is also stated that he is leading lavish life with the money earned through extortion. The Petitioner has also submitted that the Counter Petitioner is a young and energetic rowdy element and shows his muscle power by committing offences for petty reasons. 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. 89/2014 under section 27(1) Arms Act of Mudaliarpet Police Station, Puducherry – Pending Trial.
2. Cr.No. 76/2019 under sections 294(b), 323, 506(ii) r/w 34 IPC of Mudaliarpet Police Station, Puducherry – Pending Trial.
3. Cr.No. 319/2020 under sections 143, 294(b), 324, 427, 506(ii) r/w 34 IPC of Mudaliarpet Police Station, Puducherry – Pending Trial.
4. Cr.No. 320/2020 under sections 143, 294(b), 324, 427, 506(ii) r/w 34 IPC of Mudaliarpet Police Station, Puducherry – Pending Trial.
5. Cr.No. 365/2020 under sections 143, 294(b), 324, 307 r/w 34 IPC of Mudaliarpet Police Station, Puducherry – Pending Trial.
6. Cr.No. 413/2020 under sections 294(b), 427, 506(ii) r/w 34 IPC of Mudaliarpet Police Station, Puducherry – Pending Trial.
7. Cr.No. 536/2020 under sections 143, 144, 294(b), 324, 307 IPC r/w 149 of Mudaliarpet Police Station, Puducherry – Pending Trial.
8. Cr.No. 38/2021 under section 27(1) Arms Act of Mudaliarpet Police Station, Puducherry – Pending Trial.
9. Cr.No. 41/2022 under sections 109, 294(b), 324, 427, 506(ii) IPC r/w 34 IPC of Mudaliarpet Police Station, Puducherry – Pending Trial.
10. Cr.No. 98/2022 under sections 342, 395, 364-A, 506(ii) of Mudaliarpet Police Station, Puducherry – Pending Trial.

4. It is also stated in the I.R that the Station House Officer have received reliable information that the Counter Petitioner is very active notorious rowdy element and has become a source of terror among the public. The Petitioner further stated that the Counter Petitioner was a habitual offender and involved in many hurt cases along with his associates. Further, stated that he intentionally engaged persons by hire and insists them to create problems with their opposite groups and therefore his criminal activities cannot be prevented by invoking the mere security proceedings under the Cr.P.C.

5. Hence, the Inspector of Police, Mudaliarpet Police Station, Puducherry, has prayed to invoke provisions under section of 144 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 03-11-2023 to appear for the hearing on 22-11-2023 and subsequent hearing on 27-12-2023. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Mudaliarpet Police Station, Puducherry. The notice was received by the Counter Petitioner.

7. On 27-12-2023, the Petitioner Thiru L. V. Senthilkumar, Inspector of Police, Mudaliarpet Police Station, Puducherry and the Counter Petitioner were present.

8. 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 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 attempt to murder, arms act, assault, unlawful activities and disturbance to the public peace and order. There are 10 criminal cases were registered against him in the Mudaliarpet 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 within the limits of my jurisdiction, the Counter Petitioner will continue to indulge in and also motivate serious offences like murder, assault, annoyance, damages to properties, *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 the section 144(1) of the Code of Criminal Procedure, pass this order and prohibit the Counter Petitioner Thiru Kalvi @ Kalviselvam (30), son of Selvapandian, a resident of No. 523, 8th Cross, Thulukanathamman Nagar, Velrampet, 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 27th day of December, 2023 pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).
