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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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No. }	Puducherry	Thursday	25th	January	2024

IN THE COURT OF SUBDIVISIONAL MAGISTRATE (NORTH)
AT PUDUCHERRY

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

M.C. No. 117/2023 of I.R. No. 14/2023 Under Section 144 of Cr.P.C./112

ORDER

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

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

. . . Petitioner

Vs.

Thiru Parthiban @ Bharathi (30),
S/o. Balasubramanian,
No. 70, Mariamman Koil Street,
Maduvupet,
Lawspet,
Puducherry.

. . . Counter Petitioner

[25]

This petition along with case sheet is filed by the Inspector of Police, Lawspet Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Parthiban @ Bharathi (30), to prevent imminent danger to human lives and properties and disturbance to the public tranquility and order, in the jurisdiction of this Court.

2. Counter Petitioner is Thiru Parthiban @ Bharathi (30), son of Balasubramanian, a resident of No. 70, Mariamman Koil Street, Maduvupet, Lawspet, Puducherry.

3. **The facts which led up to the petition are briefly as follows:** The case referred by the Inspector of Police, Lawspet Police Station, Puducherry, with the recommendation of the Superintendent of Police (North), Puducherry *vide* I.R.No. 14/2023 under section 144 of Cr.P.C., dated 09-07-2023. Therein, it has been stated that the Counter Petitioner has formed a gang of rowdies and bent upon indulging in crime such as murder, violence, intimidation, dacoity, hurt, explosive cases, assault, 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 Lawspet Police Station limits, Puducherry. 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. 172/10 under sections 147, 148, 302, 303 r/w 149 IPC & 27 of Arms Act of Odiansalai Police Station, Puducherry.
2. Cr.No. 210/11 under sections 399, 402 IPC r/w 149 IPC & 27 of Arms Act of Grand Bazaar Police Station, Puducherry.
3. Cr.No. 38/2017 under sections 324, 506(II) IPC r/w 34 IPC of Lawspet Police Station, Puducherry.
4. Cr.No. 33/2019 under sections 399, 402 IPC & 27 of Arms Act of Lawspet Police Station, Puducherry.
5. Cr.No. 294/2019 under sections 147, 148, 307, 302 IPC r/w 140 IPC of Vadalur Police Station, Tamil Nadu.

4. It is also stated in the I.R that the Counter Petitioner is young and very active notorious rowdy elements and have become a threat and menace to the innocent people and therefore, his criminal activities cannot be prevented by invoking the mere security proceedings under the Cr.P.C.

5. The Petitioner further submitted that if, Counter Petitioner is allowed to reside in Lawspet limits, it is apprehended that he would continue to indulge in serious offences like assault, criminal intimidation, 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, Lawspet 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 08-11-2023 to appear for the hearing on 28-11-2023 and subsequent hearings on 20-12-2023 and 26-12-2023. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Lawspet Police Station, Puducherry. The notice for the Counter Petitioner was received by his brother Thiru Jegan. The service was held sufficient for the Counter Petitioner.

7. On 26-12-2023, Thiru A. Tamilarasan, Sub-Inspector of Police, Lawspet Police Station, Puducherry was present. The Counter Petitioner has failed to appear before the Court on hearing date.

8. 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 Parthiban @ Bharathi 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, violence, intimidation, dacoity, hurt, explosive cases, assault, unlawful activities and disturbance to the public peace and order. There are 5 criminal cases were registered against him in various Police Stations.

9. On perusal of the records submitted by the Petitioner and the recommendation of the Superintendent of Police (North), I am of the opinion that if, the Counter Petitioner is allowed to reside within the limits of my jurisdiction, Counter Petitioner will continue to indulge in and also motivate serious offences like murder, assault, obstructions, annoyance, damages to public and private 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 of 144(1) of the Code of Criminal Procedure, pass this order and prohibit the Counter Petitioner Thiru Parthiban @ Bharathi (30), son of Balasubramaniyan, a resident of No. 70, Mariamman Koil Street, Maduvupet, Lawspet, 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, you may represent against this order before the undersigned by post or by Counsel.

At Puducherry, dated on this 26th day of December, 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. 118/2023 of I.R. No. 15/2023 Under Section 144 of Cr.P.C./111

ORDER

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

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

. . . Petitioner

Vs.

Thiru Dharmaseelan @ Idhayammurali (22),
S/o. Selvam,
No. 10, Ponniyamman Koil Street,
Karuvadikuppam,
Lawspet,
Puducherry.

. . . Counter Petitioner

This petition along with case sheet is filed by the Inspector of Police, Lawspet Police Station, Puducherry, praying to pass orders under section 144 of Cr.P.C., against Thiru Dharmaseelan @ Idhayammurali (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. Counter Petitioner is Thiru Dharmaseelan @ Idhayammurali (22), son of Selvam, a resident of No. 10, Ponniyamman Koil Street, Karuvadikuppam, Lawspet, Puducherry.

3. ***The facts which led up to the petition are briefly as follows:*** The case referred by the Inspector of Police, Lawspet Police Station with the recommendation of the Superintendent of Police (North), Puducherry *vide* I.R.No.15/2023 under section 144 of Cr.P.C., dated 01-08-2023. Therein, it has been stated that the Counter Petitioner indulging in crime such as hurt, intimidation, violence, assault, rioting and 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 Lawspet Police Station limits, Puducherry. In this connection, the Petitioner had stated that the following criminal cases were registered against the Counter Petitioner.

1. Cr. No. 06/2022 under sections 147, 148, 427, 506 (ii) IPC r/w 149 IPC of Lawspet Police Station, Puducherry.
2. Cr. No. 24/2022 under sections 341, 294(b), 506 (ii) IPC r/w 34 IPC of Lawspet Police Station, Puducherry.

4. It is also stated in the I.R that the Counter Petitioner with his associates had brutally murdered one dangerous criminal Podimass @ Sarathkumar. It is further stated in the I.R that the Counter Petitioner is young and very active notorious rowdy elements and have become a threat and menace to the innocent people and therefore, his criminal activities cannot be prevented by invoking the mere security proceedings under the Cr.P.C.

5. The Petitioner further submitted that if, Counter Petitioner is allowed to reside in Lawspet limits, it is apprehended that he would continue to indulge in serious offences like assault, criminal intimidation, 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, Lawspet 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 08-11-2023 to appear for the hearing on 28-11-2023 and subsequent hearings on 20-12-2023 and 26-12-2023. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Lawspet Police Station, Puducherry. During the course of enquiry on 20-12-2023, the Counter Petitioner was present and stated that the Petitioner has filed this false case with an ulterior motive.

7. Further hearing on 26-12-2023, Thiru A. Tamilarasan, Sub-Inspector of Police, Lawspet Police Station, Puducherry was present. The Counter Petitioner has failed to appear before the Court on hearing date.

8. 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 Dharmaseelan @ Idhayammurali, 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 are two criminal cases were registered against him in the Lawspet Police Station, Puducherry.

9. On perusal of the records submitted by the Petitioner and the recommendation of the Superintendent of Police (North), 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, obstructions, annoyance, damages to public and private 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 Dharmaseelan @ Idhayammurali (22), son of Selvam, a resident of No. 10, Ponniamman Koil Street, Karuvadikuppam, Lawspet, 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, you may represent against this order before the undersigned by post or by Counsel.

At Puducherry, dated on this 26th day of December, 2023 pronounced in the open Court.

M. KANDASAMY,
Subdivisional Magistrate (North).
