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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

Publiée par
Autorité

Published by
Authority

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No.		Poudouchéry	Jeudi	20	Février	2025 (1 Phalguna 1946)
No.		Puducherry	Thursday	20th	February	2025

IN THE COURT OF SUBDIVISIONAL MAGISTRATE (NORTH)
AT PUDUCHERRY

Present : Selvi. ISHITA RATHI, I.A.S.,
Subdivisional Magistrate (North).

M.C. No. 223/2024 of I.R. No. 85/2024 Under Section 163 BNSS

ORDER

(UNDER SECTION 163 BNSS)

State Represented by the Sub-Inspector of Police,
Odiansalai Police Station,
Puducherry.

. . . Petitioner

Vs.

Deenu @ Deenadayalan (28),
S/o. Ilangovan,
No. 7, Nagamuthumariamman Kovil Street,
Vanarapet,
Puducherry.

. . . Counter Petitioner

This petition along with case sheet is filed by the Sub-Inspector of Police, Odiansalai Police Station, Puducherry, praying to pass orders under section 163 BNSS 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 Deenu @ Deenadayalan (28), son of Ilangovan, a resident of No. 7, Nagamuthumariamman Kovil Street, Vanarapet, Puducherry.

3. ***The facts which led up to the petition are briefly as follows*** The case submitted by the Station House Officer, Odiansalai Police Station, Puducherry, through the Superintendent of Police (East), Puducherry *vide* I.R.No. 85/2024 under section 163 BNSS, dated 24-08-2024. Therein, it has been stated that the Counter Petitioner has indulging in crime such as body harm cases and disturbance to the public tranquility and order. 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. He is very active and he may commit any cognizable offence in connection with the prevailing law and order situation in that area and therefore, his criminal activities cannot be prevented by invoking the mere security proceedings under the BNSS. In this connection, the Petitioner had stated that the following criminal cases were registered against the Counter Petitioner.

1. 60/15 under sections 294(b), 326, 324, 506(ii) IPC r/w 34 IPC of Odiansalai Police Station, Puducherry.
2. 90/2018 under sections 294(b), 324, 506(ii) IPC r/w 34 IPC of Odiansalai Police Station, Puducherry.
3. 129/2018 under sections 294(b), 323, 506(ii) IPC r/w 34 IPC of Mudaliarpet Police Station, Puducherry.
4. 127/18 under sections 294(b), 341, 324, 506(ii) IPC r/w 34 IPC of Mudaliarpet Police Station, Puducherry.
5. 267/2020 under sections 399, 402 IPC and 25 (1) (a) of Arms Act, 1959 Odiansalai Police Station, Puducherry.

4. It is also stated in the I.R that the Station House Officer has received reliable information that the Counter Petitioner and his supporters are roming in Vanarapet and its surrounding areas with an attitude to attack opposite associates which may cause breach of peace in that area. Further, stated that while the Petitioner was performing rounds at the Police Station limits, the Counter Petitioner along with his friends under drunken mood and designed to commit some cognizable offence at Nagamuthumariamman Kovil Street, Vanarapet, Puducherry under the influence of alcohol and threatening the general public and he violated the conditions imposed by the Criminal Courts while releasing him on bail.

5. The Petitioner further submitted that if, the Counter Petitioner is allowed to reside in the village, it is apprehended that he would continue to indulge in serious offences like rioting, affray, criminal intimidation, criminal trespass, damages to public and private properties, assault, obstructions and annoyance, danger to the human life and properties of the villagers and thereby emerged as a perennial source of threat to the community and disturb public peace and tranquility. Hence, the Station House Officer, Odiansalai Police Station, Puducherry, has prayed to invoke provisions under section 163 BNSS 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.

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 15-11-2024 to appear for the hearing on 10-12-2024 and subsequent hearings on 11-12-2024, 07-01-2025, 21-01-2025 and 03-02-2025. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Odiansalai Police Station, Puducherry. The notice for the Counter Petitioner was received by his wife, Tmt. D. Sulakshana. The service was held sufficient for the Counter Petitioner.

7. On 03-02-2025, the Petitioner Thiru R. Chandrasekaran, Sub-Inspector of Police, Odiansalai 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 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 hurt, arms case and disturbance to the public peace and order. There are five criminal cases were registered against him at various Police Stations.

9. 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 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 163 of BNSS 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, Ishita Rathi, I.A.S., do hereby in the capacity of Subdivisional Magistrate (North), Puducherry, in exercise of powers conferred under the section 163(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, pass this order and prohibit the Counter Petitioner Thiru Deenu @ Deenadayalan (28), son of Ilangovan, a resident of No. 7, Nagamuthumariamman Kovil Street, Vanarapet, 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 03rd day of February, 2025 pronounced in the open Court.

ISHITA RATHI, I.A.S.,
Subdivisional Magistrate (North).