



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.R.C.No.304 of 2019 and
CrI.M.P.No.304 of 2019

Saneesh @ Ezhilarasan. C.K.

...Petitioner

-Vs-

The Sub Divisional Magistrate, Mahe,
Union Territory of Puducherry.

...Respondent

This Criminal Revision Case is filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the order dated 13.02.2019 made in M.C.No.06 of 2019, on the file of the Sub Divisional Magistrate, Mahe, by allowing this criminal revision.

For Petitioner : Mr. Sasindran

For Respondent : Mr.V.Balamurugan,
Addl. Public Prosecutor (Pondy)

ORDER

The respondent has passed an order under Section 144 of Cr.P.C, dated 13.02.2019 made in M.C.No.06 of 2019 by the learned Sub Divisional Magistrate, Mahe.

2 The Station House Officer, Palloor Police Station has registered a case in Cr.No.96 of 2018 against the petitioner under Section 188 of IPC and the petitioner was produced before the Jurisdictional Magistrate and was remanded into judicial custody, since he violated the order of the Court below already passed under Section 144 of Cr.P.C. in M.C.No.41/ 2018/636, prohibiting the petitioner from entering into the region under the control of the Court below for a period of two months from 31.10.2018.

3 The learned counsel for the petitioner would submit that mere entering into the premises will not attract any offence, when the petitioner has not committed any further offence and hence order under Section 144 cannot be passed against the petitioner.



4 The learned Additional Public Prosecutor (Pondicherry) appearing for the respondent would submit that in order to maintain peace and tranquility in the public, the Court had already passed order under Section 144 of Cr.P.C. in M.C.No.41/2018/636, prohibiting the petitioner from entering into the region under the control of the Court below for a period of two months from 31.10.2018 and the petitioner, violating the above order, on 28.11.2018 at 16.30 hours had entered into the premises and hence the respondent police arrested him and the Magistrate also remanded him into judicial custody and the order impugned in this revision came to be passed. There are 9 previous cases against the petitioner, which are almost similar in nature.

5 Heard the learned counsel appearing on either side and perused the materials available on record.

6 The learned Magistrate has earlier passed an order under Section 144 of Cr.P.C restraining the petitioner from entering into the premises falls under his jurisdiction, in order to maintain public peace and tranquility. The order itself, is very clear the petitioner should not enter into the premises for a period of two months from 31.10.2018, but the petitioner on 28.11.2018 had entered into the premises, which would certainly amounts to violation of the order of the Court below. Therefore, the jurisdictional police have registered the present case and remanded him into judicial custody. The learned Magistrate, again passed the present order under Section 144 of Cr.P.C restraining the petitioner from entering into the premises for a period of two months from the date the order. Subsequently, the petitioner got bail on certain conditions and the conditions also fully relaxed. Admittedly, there are 9 previous cases against the petitioner for the offences, which are almost similar in nature. This Court does not find any perversity in the order dated 13.02.2019 and there is no merit in the revision.

7 In the result, the criminal revision case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

cgi



To

1. The Sub Divisional Magistrate, Mahe,
Union Territory of Puducherry.

2. The Additional Public Prosecutor
Pandicherry.

+1cc to Public Prosecutor, Pandicherry SR.No.23871

Crl.R.C.No.304 of 2019 and
Crl.M.P.No.304 of 2019

SV (CO)
GMY (13/08/2019)