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PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT HOME DEPARTMENT, J&K.

Notification

Srinagar, the 2nd May, 2024.

SO-276.— Whereas, on 08-11-2024, the Police Station, D.H.Pora, received a docket to the effect that a Naka was established by the Police at Nehama-Samnoo Road. During the checking, two suspects while seeing the Naka Party tried to escape but were chased down on the spot

and identified as Zakir Ahmad Wagay S/o Bashir Ahmad Wagay R/o Odura, Kulgam and Muheed Mashooq Bhat S/o Mashooq Ahmad Bhat R/o Khudwani, Kulgam. During their personal search, the Police recovered 21 AK Rounds and 01 Hand Grenade from thier possession respectively ; and

2. Whereas, based on the above, a case FIR No. 109/2023 under Section 7/25 Arms Act, and Sections 13, 18, 20 and 39 of ULA (P) Act, was registered in the Police Station, D.H. Pora, and the investigation of the case was set into motion. Subsequently, during the investigation, the offence under Sections 23 and 38 of ULA(P) Act, were added in the case ; and

3. Whereas, during the investigation, the site plan of the place of occurrence and the seizure memos were prepared and the statements of witnesses acquainted with the facts and circumstances of the case were recorded under the relevant provisions of law ; and

4. Whereas, during the investigation, four other persons identified as Kamran Ayoub Pandith S/o Mohd Ayoub Pandith R/o Wanpora, Kulgam, Arif Ahmad Wani S/o Abdul Karim Wani, Jaleel Ahmad Dar S/o Abdul Ahad Dar residents of Nawbal, Batpora and Ather Yousuf Dar S/o Mohd Yousuf Dar R/o Dar Mohalla, Khudwani, Kulgam, were found involved in the case. Subsequently, the accused were also arrested and during the investigation, 02 Hand Grenades, 01 AK-47 Magazine and 41 AK Rounds, were recovered at their instances respectively ; and

5. Whereas, during the investigation, it was found that the accused viz. Zakir Ahmad Wagay, Muheed Mashooq Bhat, Kamran Ayoub Pandith, Arif Ahmad Wani, Jaleel Ahmad Dar and Ather Yousuf Dar, were in contact with a terrorist of leT/TRF, banned outfit, namely, Yasir Bilal S/o Bilal Ahmad Bhat R/o Wanpoh, Kulgam, who on the directions of a Pakistani based terrorist namely, Firdous Ahmad Bhat S/o Abdul Salam Bhat R/o Thokerpora, Qaimoh A/P PoK, provided the recovered Hand Grenades and AK ammunition to the accused viz. Zakir Ahmad Wagay, Muheed Mashooq Bhat, Kamran Ayoub Pandith, Arif Ahmad Wani, Jaleel Ahmad Dar and Ather Yousuf Dar, in order to promote terrorist activities in the area ; and

6. Whereas, during the investigation, it was established that the accused viz. Zakir Ahmad Wagay, Muheed Mashooq Bhat, Kamran

Ayoub Pandith, Arif Ahmad Wani, Jaleel Ahmad Dar and Ather Yousuf Dar, were working as Over Ground Workers (OGWs) for the terrorists of LeT/TRF, banned outfit, particularly the terrorists viz. Yasir Bilal and Firdous Ahmad Bhat, and were providing logistic support to them, besides, under a well knit criminal conspiracy procured Hand Grenades and AK ammunition from the terrorists viz. Yasir Bilal, for carrying out the terrorist activities in the area ; and

7. Whereas, the accused terrorist viz. Yasir Bilal has been killed in an encounter with the Security Forces and the proceedings under the law would abate against him ; and

8. Whereas, on the basis of the investigation, the statements of witnesses recorded and other evidence collected, the Investigating Officer, has established a *prima facie* involvement of the below mentioned accused for the commission of offences punishable under Sections of the Unlawful Activities (Prevention) Act, 1967, as shown against their names :

S. No.	Name of the accused	Offence
1.	Zakir Ahmad Wagay S/o Bashir Ahmad Wagay R/o Odura, Kulgam.	13, 18 , 23, 39 ULA(P) Act.
2.	Muheeb Mashooq Bhat S/o Mashooq Ahmad Bhat R/o Khudwani, Kulgam.	
3.	Kamran Ayoub Pandith S/o Mohd Ayoub Pandith R/o Wanpora, Kulgam.	
4.	Arif Ahmad Wani S/o Abdul Karim Wani R/o Nawbal, Batpora.	
5.	Jaleel Ahmad Dar S/o Abdul Ahad Dar R/o Nawbal, Batpora.	
6.	Ather Yousuf Dar S/o Mohd Yousuf Dar R/o Dar Mohalla, Khudwani.	
7.	Firdous Ahmad Bhat S/o Abdul Salam Bhat R/o Thokerpora, Qaimoh, A/P PoK.	13, 18, 20, 38 ULA(P) Act.

9. Whereas, during the investigation, the accused viz. Muheed Mashooq Bhat and Kamran Ayoub Pandith have been found Juvenile and in view of Section 1(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015, the apprehension, detention, prosecution, penalty or imprisonment shall be governed by the said Act ; and

10. Whereas, the accused terrorist viz. Firdous Ahmad Bhat, is absconding and the proceedings under Section 299 Cr.PC have been proposed to be initiated against him ; and

11. Whereas, the Authority, appointed by the Government under Sub-Section (2) of Section 45 of the Unlawful Activities (Prevention) Act, 1967, has independently examined the Case Diary File and all the other relevant documents relating to the case and has come to the conclusion that *prima facie* case is made out against the above accused ; and

12. Whereas, after perusing the Case Dairy File, the relevant documents and also taking into consideration the views of the Authority appointed under Sub-Section (2) of Section 45 of the Unlawful Activities (Prevention) Act, 1967, the Government is of the view that there is sufficient material and evidence available against the above-mentioned accused for their prosecution under the provisions of law.

Now, therefore, in exercise of the powers conferred by Sub-Section (2) of Section 45 of the Unlawful Activities (Prevention) Act, 1967, the Government hereby accord sanction for launching prosecution against the accused viz. Zakir Ahmad Wagay, Arif Ahmad Wani, Jaleel Ahmad Dar, Ather Yousuf Dar and Firdous Ahmad Bhat,, for the commission of offences punishable under the relevant Sections of ULA(P) Act, as indicated against the each accused at Para (8) above, arising out of FIR No. 109/2023 of Police Station, D.H. Pora.

By order of the Government of Jammu and Kashmir.

(Sd/-)

CHANDRAKER BHARTI, IAS,
Principal Secretary to the Government,
Home Department.