

EXTRAORDINARY

REGD. NO. JK-33



THE

JAMMU AND KASHMIR OFFICIAL GAZETTE

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Separate paging is given to this part in order that it may be filed as a separate compilation.

PART I—B

Jammu and Kashmir Government—Notifications.

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

Notification

Srinagar, the 2nd September, 2024.

SO-438.—Whereas, on 19-03-2022, information was received at Police Station, Zainapora to the effect that some unknown terrorists with the intention to cause casualties, lobbed a grenade at Coy Hqrs. of CRPF 178 Bn. Babapora, exploded and caused a huge explosion resulting in injuries to one CRPF personnel namely Amit Kumar. The

unknown terrorists managed to escape after committing the terrorist act by taking advantage of darkness ; and

2. Whereas, on receipt of information, Case FIR No. 22/2022 under Sections 307 IPC, 3/4 ESA, 16, 20 of ULA(P) Act, came to be registered in the Police Station, Zainapora, and the investigation, of the case was set into motion. Subsequently, during the investigation, the offences under Section 7/25 Arms Act, 18, 23, 38 and 39 of ULA (P) Act, were added in the case ; and

3. Whereas, during the course of the investigation, the statements of witnesses acquainted with the facts and circumstances of the case were recorded ; and

4. Whereas, during the investigation, the role of 07 persons namely; Fazil Bin Rashid S/o Abdul Rashid Alaie R/o Melahura, Sajjad Ahmed Naik S/o Wali Mohammad R/o Pinglina Pulwama; Keysar Zahoor Khan S/o Zahoor Ahmed R/o Nowpora Safakadal; Basit Ashraf Malik @ Bettery Sio Mohammad Ashraf Rio Nowpora; Farhan Muzaffar Bhat S/o Mohammad Muzaffar R/o Arwani; Asif Mustafa Malik S/o Ghulam Mustaffa R/o Arwani and Zubair Ahmed Ganie S/o Abdul Rehman R/o Subhanpora Kaimoh, came to fore in the commission of offence. Subsequently, the accused were arrested and at the instance of the accused viz. Keysar Zahoor Khan, the Police recovered 03 pistols, 06 magazines, 30 rounds and 04 grenades and one hand grenade recovered from accused viz. Zubair Ahmad Ganie ; and

5. Whereas, during the investigation, it has been found that the accused viz. Fazil Bin Rashid, Farhan Muzaffar Bhat and Asif Mustafa Malik were in close contact with 03 terrorists namely; Basit Amin Bhat @ Humzah S/o Mohd Amin Bhat R/o Frisil, Kulgam, Arif Farooq Hazar @ Rehaan Bhai S/o Farooq Ahmad Hazar R/o Wagam, Pulwama and Shahid Ahmad Khan S/o Ghulam Mohi-ud-din Khan R/o Naina, Batpora to promote terrorism in the area. The accused viz. Fazii Bin Rashid in furtherance of criminal conspiracy lobbed a hand grenade at Coy Hqrs. of CRPF 178 Bn. Babapora on 19-03-2022 ; and

6. Whereas, during the investigation, it was established that the accused viz. Sajjad Ahmed Naik, Keysar Zahoor Khan, Basit Ashraf Malik, and Zubair Ahmed Ganie were working as Over Ground Workers (OGWs) for the terrorists of banned LeT outfit in order to promote terrorist and unlawful activities in the area ; and

7. Whereas, the accused terrorists namely, Basit Amin Bhat @ Humzah, Arif Farooq Hazar @ Rehaan Bhai and Shahid Ahmad Khan, got killed in the different encounters with the Security Forces and proceedings against them would abate ; and

8. Whereas, on the strength of evidence collected and the statement of witnesses recorded, the Investigating Officer, has established a *prima facie* case against 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 person	Offence
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|----|----------------------------------------------------------------------------------|------------------------------|
| 1. | Fazil Bin Rashid S/o Abdul Rashid
Alaie R/o Melahura. | 16, 18, 39 of
ULA (P) Act |
| 2. | Sajjad Ahmed Naik S/o Wali Mohd
Naik R/o Pinglena, Pulwama. | 18, 39 of
ULA (P) Act |
| 3. | Basit Ashraf Malik @ Bettery
S/o Mohd Ashraf Malik R/o
Nowpora, Safakadal. | |
| 4. | Farhan Muzaffar Bhat S/o Mohammad
Muzaffar Bhat R/o Arwani. | |
| 5. | Aasif Mustaffa Malik S/o Ghulam
Mustafa Malik R/o Arwani. | |
| 6. | Keysar Zahoor Khan S/o Zahoor
Ahmad Khan R/o Nowpora,
Safakadal. | 18, 23, 39 of
ULA (P) Act |
| 7. | Zubair Ahmed Ganie S/o Rehman
Ganie R/o Subhanpora, Qaimoh. | |

9. Whereas, the accused viz.. Fazil Bin Rashid and Farhan Muzaffar Bhat, 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 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

11. Whereas, after perusing the Case Diary 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, Sajjad Ahmed Naik, Basit Ashraf Malik @ Bettery, Aasif Mustaffa Malik, Keysar Zahoor Khan and Zubair Ahmed Ganie, for the commission of offences punishable under the relevant Sections of ULA (P) Act, indicated against each accused at Para (8) above, arising out of FIR No. 22/2022 of Police Station, Zainapora.

By order of the Government of Jammu and Kashmir.

Sd/-

SANTOSH D VAIDYA, IAS,
Principal Secretary to the Government,
Home Department.