

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 27th September, 2024.

SO—489.—Whereas, on 27-09-2022 a written docket from HC Altaf Hussain was received by Police Station, Kulgam to the effect that a person namely, Tawheed Ahmad Rather S/o Ab. Satar R/o Odura Kulgam, got missing and it came to fore that he had joined the terrorist cadre of banned HM outfit and instigated/motivated an one namely Mushtaq Ahmad Itoo S/o Ghulam Hassan R/o Mohammadpora Kulgam, to join terrorist organization for promotion of terrorism in the area ; and

2. Whereas, on receipt of information, Case FIR No. 103/2023 under Sections 13, 18, 20 and 38 of ULA(P) Act, came to be registered in the Police Station, Kulgam, and the investigation of the case was set into motion. Subsequently, during investigation, the offence under Section 18-B of ULA(P) Act was 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, it was found that the accused namely, Tawheed Ahmad Rather, was initially gone missing on 31-08-2022 and subsequently joined the terrorist ranks on the instigation/ motivation of accused terrorist namely, Mushtaq Ahmad Itoo ; and

5. Whereas, the investigation conducted by the investigating agency has *prima facie* established that the accused namely Tawheed Ahmad Rather and Mushtaq Ahmad Itoo, are associated/members with HM, a banned outfit, and in furtherance of criminal conspiracy the accused viz. Mushtaq Ahmad Itoo, instigated/motivated the accused viz. Tawheed Ahmad Rather, to join terrorist cadre for promotion of terrorist activities in the area ; and

6. Whereas, the accused terrorist namely, Tawheed Ahmad Rather, has been killed in an encounter with the Security Forces and the proceedings under the law would abate against him ; and

7. Whereas, on the strength of evidence collected and the statements 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 his name :—

S.No.	Name of the accused person	Offence
1.	Mushtaq Ahmad Itoo S/o Ghulam Hassan Itoo R/o Mohammadpora, Kulgam.	13, 18, 18-B, 20, 38 of ULA(P) Act

8. Whereas, the accused viz. Mushtaq Ahmad Itoo, is absconding and proceeding under Section 299 Cr. PC have been proposed to be initiated against him ; and

9. 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

10. 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 his prosecution under the provisions of law.

Now, therefore, in exercise of the powers conferred by Sub-Section (2) of Section 45 the Unlawful Activities (Prevention) Act, 1967, the Government hereby accord sanction for launching prosecution against the accused viz. Mushtaq Ahmad Itoo, for the commission of offences punishable under Sections 13, 18, 18-B, 20, 38 of ULA(P) Act, against out of FIR No. 103/2022 of Police Station, Kulgam.

By order of the Government of Jammu and Kashmir.

Sd/-

CHANDRAKER BHARTI, IAS,  
Principal Secretary to the Government.