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PART I—B

Jammu and Kashmir Government—Notifications.

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

NOTIFICATION

Jammu, the 11th December, 2024

SO-568.— Whereas, on 17.05.2005, information was received by Police Station, Bijbehara, to the effect that a terrorist of Hizbul Mujahidin outfit namely, Mohammad Amin Baba alias Aabid S/o Ghulam Qadir Baba R/o Gund Nowrooz, Bijbehara has crossed to Pakistan via Wagah/Attari Border for carrying out subversive and anti-national acts against India. Further, it was informed that his escape to Pakistan was managed by one Gul Rafique Ex-MLA and the terrorist used fake passport in the name of

Mohammad Younus Bhat S/o Ghulam Rasool Bhat R/o Umer Colony, Lal Bazar, Srinagar and later managed visa from Pakistan Embassy New Delhi for his travel through Wagah/ Attari Border ; and

2. Whereas, based on the above, a Case FIR No. 98/2005 U/S 12 Passport Act, 420, 471,120-B, 212 RPC and Section 13 of ULA (P) Act, was registered in the Police Station, Bijbehara, and the investigation, of the case was set into motion. Subsequently, during the investigation, the offence under Section 212 RPC was dropped and the offences under Section 409,419,121,121-A, 122 RPC, and Section 18,19,38 and 39 of ULA (P) Act were added in the case ; and

3. Whereas, during the course of investigation, 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, the accused viz. Gul Mohammad Akhoon alias Gul Rafiquee S/o Abdul Khaliq Akhoon R/o Sher Bagh, Anantnag, was arrested in the case and five more persons identified as Farooq Ahmad Bhat S/o Mohammad Jabbar Bhat R/o Uranhal, Anantnag, Tariq Ahmad Rah S/o Ghulam Rasool Rah R/o Gund Nawroz, Bijbehara, Mohammad Akbar Dar S/o Abdul Aziz Dar R/o Sail, Tral, Gulzar Ahmad Ashwar S/o Mohammad Ahsan Ashwar R/o Thajawara, Bijbehara and Ghulam Hassan Mir S/o Abdul Gani Mir R/o Katriteng, Bijbehara, were found involved in the case. Subsequently, the accused viz. Mohd Akber Dar, was arrested in the case ; and

5. Whereas, during the investigation, it was found that the accused viz. Farooq Ahmad Bhat, Tariq Ahmad Rah, Gulzar Ahmad Ashwar and Ghulam Hassan Mir, were already arrested by Anantnag Police in Case FIR No. 94/2005 of Police Station, Bijbehara. Subsequently, their custody was changed in the instant case ; and

6. Whereas, during the investigation, it was found that the accused namely Gul Mohammad Akhoon alias Gul Rafiquee, Farooq Ahmad Bhat, Tariq Ahmad Rah, Gulzar Ahmad Ashwar, Ghulam Hassan Mir and Mohd Akber Dar, were in contact with the terrorist viz. Mohammad Amin Baba alias Aabid, and were working for him and facilitated his escape ; and

7. Whereas, during the investigation, it was established that the accused namely Gul Mohammad Akhoon alias Gul Rafiquee, Farooq Ahmad Bhat and Tariq Ahmad Rah, were working for the terrorist viz.

Mohammad Amin Baba alias Aabid, and were providing shelter/ logistic support to him, besides, under a well knit criminal conspiracy facilitated his escape to Pakistan via Wagha/Attrri border for promotion of terrorist activities ; and

8. Whereas, the investigation, in respect of accused viz. Gulzar Ahmad Ashwar, Ghulam Hassan Mir and Mohd Akber Dar, shall remain continue and the Supplementary Charge Sheet against them would be filed in the competent court of law ; and

9. Whereas, the authorization/order for initiation of the proceedings against the accused has already been obtained from District Magistrate, Anantnag, vide order No. 08/DM of 2024 dated 24.08.2024 for offences punishable under Section 121, 121-A & 122 RPC ; and

10. Whereas, on the basis of the investigation, the statements of witnesses recorded and other evidence collected, the Investigating Officer, has established *prima facie* involvement of the below mentioned accused for the commission of offences punishable under sections as shown against their names :—

| S. No. | Name of the accused | Offence |
|--------|---|---|
| 1 | Mohammad Amin Baba alias Aabid S/o Mohammad Maqbool Baba R/o Gund Nowroz, Bijbehara. | 13,18,38 ULA (P) Act 12 Passport Act |
| 2 | Gul Mohammad Akhoun alias Gul Rafiquee S/o Abdul Khaliq Akhoun R/o Sher Bagh, Anantnag. | 13,18,19,39 ULA (P) Act |
| 3 | Farooq Ahmad Bhat S/o Mohammad Jabbar R/o Uranhall, Anantnag. | |
| 4 | Tariq Ahmad Rah S/o Ghulam Rasool Rah R/o Gund Nowroz, Bijbehara. | |

11. Whereas, the accused terrorist viz. Mohammad Amin Baba alias Aabid, is absconding and proceedings u/s 512 Cr.PC have been proposed to be initiated against him ; and

12. 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 a *prima facie* case is made out against the above accused ; and

13. 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 ; and

14. Whereas, on the basis of investigation, and other evidence collected, the Government has come to the conclusion that a *prima facie* case is also made out against the accused viz. Mohammad Amin Baba alias Aabid, under the provisions of Passport Act, 1967.

Now, therefore, in exercise of the powers conferred by Sub-Section (2) of Section 45 the Unlawful Activities (Prevention) Act, 1967, and Section 15 of Passport Act, 1967, the Government hereby accord sanction for launching prosecution against the accused viz. Mohammad Amin Baba alias Aabid, Gul Mohammad Akhoon alias Gul Rafiquee, Farooq Ahmad Bhat and Tariq Ahmad Rah, for the commission of offences as indicated against the each accused at Para (10) above, arising out of FIR No. 98/2005 of Police Station, Bijbehara.

By order of the Government of Jammu and Kashmir.

Sd/-

CHANDRAKER BHARTI, IAS,
Principal Secretary to the Government.
