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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 12th December, 2024

SO-570.— Whereas, on 18.06.2024, the Police Station, Baderwah, received a docket to the effect that a reliable information was received that SPO Subder Hussain, equipped with 01 AK-56 service rifle with magazine and 30 rounds alongwith one Mohd Rafi S/o Mohd Iqbal R/o Trown, Doda, were travelling in a vehicle (Wagon-R) towards village Trown. On reaching Masri, the accused viz. Mohd Rafi, snatched the service rifle

from the SPO and fled away towards the forest area in the said vehicle ; and

2. Whereas, based on the above, a Case FIR No. 101/2024 U/S 382 IPC came to be registered in the Police Station, Baderwah, and the investigation of the case was set into motion. Subsequently, during the investigation, the offences under Section 122,166,409 IPC, 7/25 Arms Act and Section 13,18,18-B,20,23,38 and 39 of ULA (P) Act were added in the case ; and

3 Whereas, during the 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. Mohd Rafi, was arrested in the case and the snatched AK-56 rifle with magazine and 30 rounds were recovered from his possession. It was found that the said snatched rifle was issued to another SPO namely, Mohd Azim S/o Ab. Satar R/o Malai, Bhella Doda, which was taken from the said SPO by the accused SPO viz. Subder Hussain ; and

5. Whereas, during the investigation, it was found that the accused viz. Mohd Rafi, was in contact with a Pak based terrorist namely, Mohd Amin @ Khubaib S/o Dawood Butt R/o Kathwa, and on his directions the accused viz. Mohd Rafi, snatched the service rifle from the SPO viz. Subder Hussain, besides, was instigating/motivating the youth to join the terrorist ranks in order to promote terrorism in the area ; and

6. Whereas, during the investigation, the accused SPOs viz. Subder Hussain and Mohd Azim, were also arrested and were found involved in the criminal breach of trust and knowingly disobeying the law. Subsequently, both the SPOs were disengaged from the Police Department ; and

7. Whereas, the investigation conducted by the investigating agency has *prima facie* established that the accused viz. Mohd Rafi, was working as Over Ground Worker (OGW) for the Pak based terrorist viz. Mohd Amin @ Khubaib, and in furtherance of criminal conspiracy snatched the service rifle from the SPO Subder Hussain, for carrying out the terrorist activities and to wage war against the Government of India, besides, the accused viz. Mohd Rafi, was also instigating/motivating the youth of the area to join the terrorist ranks ; and

8. Whereas, on the basis of the investigation, the statement 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 of the Unlawful Activities (Prevention) Act, 1967, and Indian Penal Code, as shown against their names :—

S. No.	Name of the accused persons	Offence
1	Mohd Rafi S/o Mohd Iqbal R/o Bonkara Trown, Doda.	13, 18, 18-B, 23, 39 ULA(P) Act, 122 IPC
2	Mohd Amin @ Khubaib S/o Dawood Butt R/o Kathwa, Phagsoo, Doda A/P PoK/Pak.	18, 20, 38 ULA(P) (Act)

9. Whereas, the accused viz. Mohd Amin @ Khubaib, is absconding and proceedings u/s 299 Cr.PC have been proposed to be initiated against him ; 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 a *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 ; and

12. Whereas, the Government 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 accused viz. Mohd Rafi, under the aforementioned provision of the Indian Penal Code (IPC).

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 45 the Unlawful Activities (Prevention) Act, 1967, and Section 196 of the Code of Criminal Procedure, 1973, the Government hereby accord sanction for launching prosecution against the accused viz. Mohd

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Rafi and Mohd Amin @ Khubaib, for the commission of offences as indicated against the each accused at Para (8) above, arising out of FIR No. 101/2024 of Police Station, Baderwah.

By order of the Government of Jammu and Kashmir.

Sd/-

CHANDRAKER BHARTI, IAS,
Principal Secretary to the Government.
