

EXTRAORDINARY

REGD. NO. JK—33



**THE
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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

Jammu, the 18th December, 2024.

SO-580.—Whereas, on 05-08-2023, the Police Station, Budhal, received a docket to the effect that a reliable information was received about the presence of some unknown terrorists in Gunda Doori Galla, Khawas, Rajouri. Subsequently, a joint Cordon and Search Operation was launched by the Police/Security Forces. During the search, some

unknown terrorists fired indiscriminately upon the Search Party, with their illegal arms/ammunition, with the intention to kill them. The fire was retaliated and during the ensuing gun battle one unknown terrorist got killed on the spot ; and

2. Whereas, based on the above, a Case FIR No. 78/2023 under sections 307, 120-B, 121, 122 IPC, 3/4 ESA, 7/25-27 Armas Act, 13, 16, 18 and 23 of ULA (P) Act, was registered in the Police Station, Budhal, and the investigation, of the case was set into motion. Subsequently, during investigation the offence under Section 120-B IPC was dropped and 121-A, 34 IPC and the Sections 20 and 38 of ULA(P) Act, were added in the case ; and

3. Whereas, during the investigation, a dead body of killed terrorist identified as Abu Shams Usman Umair alias Usman S/o Not known R/o Pakistan, was recovered from the place of encounter. During the search, the arms/ammunition viz. 01 AK-47 rifle, 05 magazines, 91 rounds, 02 Pistol, 02 magazine, 12 rounds and 06 empty cartridges was also recovered from the place of occurrence ; and

4. Whereas, during the course of investigation, the site plan of the place of occurrence and the seizer 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

5. Whereas, during the investigation, it was found that the killed terrorists viz. Abu Shams Usman Umair alias Usman alongwith his other associate namely Abdullah Khalid @ Abu Safiyan @ Sufyan Haider S/o Not known R/o Pakistan, were members of LeT, a banned outfit and were operating from Pakistan. On the directions of two Pakistani based terrorists namely, Abdul Hamid alias Commando alias Sardar Hamid S/o Mohd Sarwar, alias Sarwar Sofi R/o Naika, Panjgrain, Manjakote, Rajouri, A/P PoK, and LeT Chief Hafiz Muhammad Saeed, infiltrated into this side alongwith arms/ammunition in order to promote terrorism in the UT of J&K ; and

6. Whereas, the accused viz. Hafiz Mohammad Saeed, is a designated terrorist declared by Government of India vide notification No. S.O 3194 (E) dated 4th September, 2019. He is founder-chief and key leader of prescribed terror organization Lashkar-e-Taiba. He is also a designated 'global terrorist' declared by United Nations under the United Nation Securiry Council Resolutions 1267 on the 10th December, 2008. Further, a Red Corner Notice No. A-2414/8-2009 has been issued against him on 28th August, 2009 ; and

7. Whereas, during the investigation, it was found that on the date of occurrence, the terrorists viz. Abu Shams Usman alias Usman and Abdullah Khalid @ Abu Safiyan @ Sufyan Haider, attacked upon the Police/Security Forces at Gunda Doori Galla, Khawas, Rajouri, The Police/Security Forces retaliated and in the ensuing gun fight terrorist viz. Abu Shams Usman Umair alias Usman, got killed and the other terrorist viz. Abdullah Khalid @ Abu Safiyan @ Sufyan Haider, managed his escape from the spot who was later on also killed in an encounter which took place at Dhakikote, Arnas ; and

8. Whereas, during the investigation, conducted by the investigating agency has *prima facie* established that the accused terrorists viz. Abdul Hamid @ Commando @ Hamid @ Sardar Hamid and Hafiz Mohammad Saeed, are members of LeT, a banned outfit, and under a well knit criminal conspiracy facilitated the infiltration of killed terrorists viz. Abu Shams Usman Umair @ Usman and Abdullah Khalid @ Abu Sufiyan @ Sufiyan Haider, into this side in order to carrying out terrorist activities and to wage war against the Government of India ; and

9. Whereas, the accused terrorists viz. Abu Shams Usman Umair @ Usman and Abdullah Khalid @ Abu Sufiyan @ Sufiyan Haider, have been killed in the different encounters with the Security Forces and proceedings under the law would abate against them ; and

10. Whereas, on the basis of the investigation, the statement 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, and Indian Penal Code, as shown against their names :—

S. No.	Name of accused persons	Offence
1.	Abdul Hamid @ Commando @ Hamid @ Sardar Hamid S/o Mohd Sarwar caste Damaal R/o Naika, Panjgrain, Manjakote, Rajouri A/P	13,18, 23(2), 38 of ULA (P) Act. 121, 121-A, 122 IPC
2.	Hafiz Mohammad Saeed R/o Pakistan	

11. Whereas, the accused terrorists viz. Abdul Hamid @ Commando @ Hamid @ Sardar Hamid and Hafiz Mohammad Saeed, are absconding and proceedings under section 299 Cr. PC have been proposed to be initiated against them ; 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, 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 *prima facie* case is made out against the above accused 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 of 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. Abdul Hamid @ Commando @ Hamid @ Sardar Hamid and Hafiz Mohammad Saeed, for the commission of offences as indicated against the each accused at Para (9) above, arising out FIR No. 78/2023 of Police Station, Budhal.

By order of the Government of Jammu and Kashmir.

Sd/-

CHANDRAKER BHARTI, IAS,
Principal Secretary to the Government.