

EXTRAORDINARY

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THE JAMMU & KASHMIR GOVERNMENT GAZETTE

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separate compilation.

PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—HOME DEPARTMENT

Notification

Srinagar, the 5th June, 2017.

SRO-230.—Whereas, on 04-05-2012, the guard personnel deployed on security duty at minority picket Pargochi-B, Shopian were attacked by five (05) militants who also snatched two (02) service weapons and ammunition from the guard personnel ; and

Whereas, with regard to the aforementioned incident, a case FIR No. 129/2012 under sections 307, 395 of RPC, 7/27 Arms Act, sections 16,

18 and 38 of the Unlawful Activities (Prevention) Act, 1967 (for short, "UA (P) Act"), section 3 of Police Enhanced Penalties Ordinance, 2005 (1948 AD) (for short, "PEPO") and section 30 of the Police Act was registered in Police Station, Shopian and the investigation was initiated ; and

Whereas, during the course of investigation, all the four police personnel deployed on the guard duty were arrested by the Investigating Officer ; and

Whereas, during the course of investigation, on the basis of statements of witnesses recorded under sections 161 and 164-A of Cr. P. C. and based on the circumstantial and documentary evidence, the Investigating Officer has established a *prima facie* case under section 3 of PEPO and section 30 of the Police Act, against the four police personnel deployed on guard duty viz., 1) Sg. Ct. Mohammad Abdullah No. 264/Spn, 2) Ct. Mushtaq Ahmad No. 510/Spn., 3) SPO Mohammad Amin No. 224/Spn. and 4) SPO Ayash Ahmad No. 114/Spn. ; and

Whereas, during the course of investigation, three persons namely, Muzamil Bashir @ Umer, Mukhtar Ahmad Dar and Shabir Ahmad Malik have also been arrested and on the instance of accused Muzamil Bashir, 08 live rounds of SLR and 13 live rounds of 303 have been recovered from an orchard at Lassipora, Pulwama. Besides, the snatched weapon has also been recovered from two militants namely Arshid Ahmad Sheikh (one of the accused persons in instant FIR) and Tawseef Ahmad, who were killed during an encounter, and on the basis of statements of witnesses recorded under sections 161 and 164-A of Cr. P. C. and based on the circumstantial and documentary evidence, the Investigating Officer has also established a *prima facie* case under sections 395, 307 RPC, 7/27 Arms Act and sections 16, 18 and 38 of ULA(P) Act against the five militants, out of whom Arshid Ahmad Sheikh has been killed in an encounter viz., 1) Inam-ul-Haq Malla @ Waseem S/o Mohammad Iqbal Malla R/o Pehlipora, Shopian (Active Militant), 2) Mukhtar Ahmad Dar S/o Gh. Mohammad Dar R/o

Haripora, Shopian, 3) Shabir Ahmad Malik S/o Mohammad Khalil R/o Sugoo, Hindhama, Shopian and 4) Muzamil Bashir Mir S/o Bashir Ahmad Mir R/o Lassipora ; and

Whereas, the Authority appointed by the State Government under sub-section (2) of section 45 of the ULA (P) Act has independently scrutinized the Case Diary file and all other relevant documents relating to the case and has come to a definite conclusion that a *prima facie* case under sections 16, 18 and 38 of ULA (P) Act arising out of FIR No. 129/2012 of Police Station, Shopian is made out against the accused persons namely, 1) Inam-ul-Haq Malla @ Waseem S/o Mohammad Iqbal Malla R/o Pehlipora, Shopian (Active Militant), 2) Mukhtar Ahmad Dar S/o Gh. Mohammad Dar R/o Haripora, Shopian, 3) Shabir Ahmad Malik S/o Mohammad Khalil R/o Sugoo, Hindhama, Shopian and 4) Muzamil Bashir Mir S/o Bashir Ahmad Mir R/o Lassipora, for launching prosecution against them in the competent court of law ; and

Whereas, after perusing the Case Diary, the relevant documents and also taking into consideration the observations/views of the Authority appointed under sub-section (2) of section 45 of the ULA (P) Act, the State Government is of the view that there is sufficient material and evidence available against the accused persons (militants) for their prosecution under the aforesaid provisions of law ; and

Whereas, the State Government is also of the view that there is sufficient material and evidence available against the other accused police personnel for according sanction as required under section 5 of the PEPO for their prosecution under section 3 of PEPO and section 30 of the Police Act.

Now, therefore, in exercise of powers conferred by sub-section (1) of section 45 of the ULA (P) Act and section 5 of the PEPO, the State Government hereby accord sanction for launching prosecution against the below mentioned accused persons, for the commission of offences punishable

under sections 307, 395 of RPC, 7/27 of Arms Act and sections 16, 18 and 38 of ULA (P) Act against A-1 to A-4, and offences under section 3 of PEPO and section 30 of the Police Act against A-5 to A-8 :—

1. Inam-ul-Haq Malla @ Waseem S/o Mohammad Iqbal Malla R/o Pehlipora, Shopian (Active Militant).
2. Mukhtar Ahmad Dar S/o Gh. Mohammad Dar R/o Haripora, Shopian.
3. Shabir Ahmad Malik S/o Mohammad Khalil R/o Sugoo, Hindhama, Shopian.
4. Muzamil Bashir Mir S/o Bashir Ahmad Mir R/o Lassipora.
5. Sg. Ct. Mohammad Abdullah, No. 264/Spn.
6. Ct. Mushtaq Ahmad No. 510/Spn.
7. SPO Mohammad Amin No. 224/Spn.
8. SPO Ayash Ahmad No. 114/Spn.

By order of the Government of Jammu and Kashmir.

(Sd.)

Principal Secretary to the Government,
Home Department.