

EXTRAORDINARY

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separate compilation

PART—I-B

Notifications, Notices and Orders by the Heads of Departments.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—HOME DEPARTMENT

Notification

Srinagar, the 28th September, 2017.

SRO- 409.—Whereas, on 22-06-2017 at 2345 hrs., an information was received through reliable sources that while the festival of Shabe-Qadar was being observed at Jamia Masjid, Nowhatta, some miscreants led by 1. Dawood Fayaz Zargar S/o Fayaz Ahmad Zargar R/o Gani Mohalla, Nowhatta 2. Adil Siraj Misgar S/o Sirajudin Misgar R/o Gani Mohalla, Nowhatta 3. Sameer Ahmad Khan @ Kala S/o Ab. Rashid Khan R/o Karfali Mohalla 4. Faisal Manzoor Sheikh S/o Manzoor Ahmad R/o Wazirbagh, Rajbagh 5. Seeratual Hassan Dhar S/o Gh. Hassan Dhar R/o Mir Mohalla, Malarata 6. Arsalan Mushtaq Zargar S/o Mushtaq Ahmad R/o Nowhatta 7. Moin Mutoo S/o Manzoor Ahmad R/o Malik Sahib, Gojwara 8. Khalid Rasool Sheikh @ Shera S/o Gh. Rasool R/o Malik Sahib, Gojwara 9. Juwees

Hassan Khan S/o Gh. Hassan Khan R/o Ranga Human, Nowhatta 10. Iqbal Ahmad Khan @ Lada S/o Shahbaz Ahmad Khan R/o Chandpora, Nowhatta 11. Momin Nabi Bhat S/o Gh. Nabi Bhat R/o Khoja Bazar 12. Urooj Afaq Bhat S/o Afaq Ahmad Bhat R/o Chandpora, Nowhatta 13. Musawir Ahmad Bhat S/o Gh. Nabi Bhat R/o Wanganpora, Eidgah 14. Danish Mir S/o Ab. Rahim Mir R/o Rathpora, Eidgah, and 15. Aqib Hameed Darzi S/o Ab. Hameed R/o Nowakadal etc. have assembled within the premises of Jamia Masjid. It was further reported that the miscreants raised slogans against the Union of India and propogated against the accession of J&K State with the Union of India and also caught hold of an unknown person, beat him up and tore his clothes. The unknown person fired some shots from a pistol in self defense with the result some miscreants got injured. The mob led by the above named miscreants beat him up ruthlessly, snatched his pistol, and lynched him to death. Thereafter, the dead body of the deceased was dragged and left at Batagali, Nowhatta ; and

2. Whereas, in this connection, case FIR No. 51/2017, U/S 302, 148, 149, 392, 341, RPC, read with section 13 of Unlawful Activities (Prevention) Act was registered in Police Station, Nowhatta, and investigation taken up ; and

3. Whereas, during the course of investigation an unidentified dead body was recovered from Batagali, Nowhatta, which was taken into possession and a possession memo was prepared. The body was without clothes except for an under-wear (Knickers) and two cuffs of the shirt which were intact. The place of recovery was inspected and likewise site plan of the place of recovery of dead body was prepared. The body was taken to Police Hospital, PCR, Srinagar for identification and further medico-legal formalities. On reaching the place of occurrence, i. e. within the premises of Jamia Masjid the place was inspected and a site plan was prepared. From the place of occurrence a watch (Quartz) and a grey colour waist-coat (torn) were recovered which were seized and a seizure memo was prepared. Meanwhile the dead body was identified as that of Dy. SP, Mohd. Ayub Pandith of 3rd Security who had been deployed to supervise the manpower detailed for access control at Jamia Masjid on Shabe-Qadar, meanwhile autopsy of the body was conducted and during the course of

autopsy, the shirt cuffs found on the body were seized and sealed in a parcel marked "A", injury memo and violence form were prepared and photography was also conducted during post-mortem autopsy. After conducting all medico-legal formalities the dead body was handed over to the NOKs against the proper receipt. Some witnesses acquainted with the circumstances of the case were examined and their statements were recorded under section 161 Cr. PC. Meanwhile post-mortem report was received and as per the report, the death had occurred due to fatal head injuries/face injuries resulting in vital organ damage and spontaneous death.

4. Whereas, on 24-06-2017, a special investigation team (SIT) headed by Shri Sajad Ahmad Shah, SP, City North, Srinagar, was formed by the DIG of Police, Central Kashmir Range to investigate the case further. During the course of further investigation, the SIT launched search to nab the accused, who had got injured in the incident as contended in the FIR on 03-07-2017, one of the accused namely Mubashir Nazir Bhat R/o Chai Doab, Safakadal, was arrested. He had got bullet injury in the right foot during the incident and had been treated in SKIMS, Soura. It was further revealed during the further course of investigation that the accused had registered himself in the hospital on a fake name as Bhat Sajad Ahmad R/o Hawal. Accordingly, the medical records/documents, pertaining to the said accused were seized and the accused was produced before the concerned doctor. It has been verified by the hospital authorities that the medical documents prepared in the name of Bhat Sajad Ahmad are that of the arrested accused Mubashir Nazir. On questioning, Mubashir Nazir divulged the name of another accused namely Danish Ayub Budo of Sazgaripora. He further revealed that Danish Ayub initially caught hold of the victim, accused him of working for CID and asked him to show his identity card. Thereafter, the said Danish Ayub snatched the identity card of the victim after he fell down semi-conscious and the accused along with others thrashed the victim. Accordingly, the accused Danish Ayub was arrested and on his disclosure, the identity card of the victim was recovered from his house. Disclosure memo and recovery memo were accordingly prepared.

5. Whereas, during investigation, it was established that the deceased had been using Cell No. 9419013628 having IMEI No. 359346045135880. Further, IMEI search of the cell phone revealed a cell number 90703239492 which was used in the device after the incident on 23 to 25 June, 2017.

Besides, the investigation also established that the CAF of the SIM was subscribed by Mohammad Sultan Haroon S/o Ab. Rehman Haroon R/o Eidgah, New-Colony, Palpora. The said subscriber Mohammad Sultan was examined who revealed that the SIM was used by his son Aqib Sultan. On examination, Aqib Sultan revealed that he had purchased the mobile device from Abdullah Najmus Sadiq R/o Malbagh, A/P Palpora on 23-06-2017 in the morning. His statement has been recorded under section 164-A Cr. PC. Subsequently, Abdullah Najmus Sadiq was also arrested on 06-07-2017. Meanwhile, on the same day, one more accused injured during the incident namely Danish Rahim Mir S/o Ab. Rahim Mir R/o Rathpora, Eidgah was arrested. Separately, assistance was also sought from SMC and PDD, who inspected the place of occurrence and testified that the place of occurrence is sufficiently lit by street flood lights and all the street lights are functional and were working at the time of incident.

6. Whereas, during the course of further investigation, it was established that there was no power cut at the time of the incident. In this regard, correspondence was made with 3rd Security, Kashmir, the unit to which the victim belonged and the details of the service weapon and ammunition issued to the officer, duty roaster mentioning the nature of duty and names of subordinates detailed with the officer were collected. All the subordinates were examined and their statements recorded under relevant provisions of law. During investigation people acquainted with the circumstances of the case from the general public were requested through print media to join the investigation and with the result, some witnesses came forward and recorded their statements under the relevant provisions of law. Subsequently on 10-07-2017, three more accused identified during the course of investigation also came to be arrested. One of the accused namely, Shoeb Bin Quyoona R/o Mughal Masjid, Hawal disclosed that he along with others hit the victim with a metal pipe and later on threw away the pipe inside the premises of a building (Kawoosa Building). Based on this disclosure, the pipe was recovered from the said building and seized. The pipe apparently bore some blood stains as such was sealed in a parcel marked as "B". The pipe was then sent to FSL, Srinagar along with mark "A" containing shirt cuffs of the victim for comparison of the blood stains. However, as per the FSL report, no blood stains or finger prints were found on the said pipe. On 20-07-2017, another accused Bilal Ahmad Lone S/o

Ab. Rehman Lone R/o Saidpora, Eidgah was arrested. On the basis of disclosure of the said accused, the damaged pistol of the victim was recovered from Bachi-Darwaza, Muqdoom Sahib, Accordingly, disclosure memo and recovery memo were prepared. Further, the damaged pistol and identity card of the victim was handed over to the concerned unit as per the directions of the Hon'ble Court. CDR of cell numbers of some of the accused were arranged and analyzed for BTS location at the time of incident. The CDR's corroborated the presence of the accused at the scene of crime.

7. Whereas, on the basis of evidence collected during the course of investigation, a *prima facie* case is made out under sections 302, 148, 149, 392, 341 RPC and 13 ULA (P) Act against 24 accused mentioned below including 14 mentioned in FIR and 10 more identified during the course of investigation. The accused mentioned in the FIR at Serial No. 15 could not be traced. Out of the 24 accused, 21 have been arrested and are presently on judicial remand. Accused at Serial Nos. 22 and 23 are yet to be arrested, whileas, accused at S. No. 24 who had joined militant ranks after the incident has been killed in an encounter with security forces at Radhbugh Magam on 11-07-2017. In this regard, a separate case FIR No. 93/2017, U/S 307, 212 RPC, 7/27 Arms Act has been registered at P/S, Magam.

8. Whereas, the Authority appointed by the State Government under sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967 has independently scrutinized the Case Diary file and all the other relevant documents relating to the case and has come to a definite conclusion that this is a fit case for accord of prosecution sanction against the accused persons ; and

9. 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 Unlawful Activities (Prevention) Act, 1967, the State Government is of the view that there is sufficient material and evidence available against the accused persons for their prosecution under the aforesaid provision of law.

10. Now, therefore, in exercise of powers conferred by sub-section (1) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the State Government hereby accord sanction for launching prosecution

against the accused mentioned below for the commission of offence punishable under section 13 of the Unlawful Activities (Prevention) Act, arising out of FIR No. 51/2017 in Police Station, Nowhatta :—

1. Dawood Fayaz Zargar S/o Fayaz Ahmad Zargar R/o Gani Mohalla, Nowhatta.
2. Adil Siraj Misgar S/o Sirajudin Misgar R/o Gani Mohalla, Nowhatta.
3. Faisal Manzoor Khan S/o Manzoor Ahmad Khan R/o Wazirbagh, Rajbagh.
4. Seeratul Hassan Khan S/o Mohammad Ilyas Dhar R/o Mir Mohalla, Malarata.
5. Arsalan Ahmad Bangroo S/o Mushtaq Ahmad R/o Jamia, Nowhatta.
6. Khalid Rasool Sheikh S/o Gh. Rasool R/o Malik Sahab, Gojwara.
7. Juwees Hassan Khan S/o Mohd. Hassan Khan R/o Ranga Hamam, Nowhatta.
8. Iqbal Ahmad Khan S/o Nisar Ahmad Khan R/o Chandpora, Nowhatta.
9. Urooj Afaq Bhat S/o Afaq Ahmad Bhat R/o Chandpora, Nowhatta.
10. Imraan Nabi Wani S/o Gh. Nabi Wani R/o Khoja Bazar, Nowhatta.
11. Sameer Ahmad Khan S/o Ab. Rashid Khan R/o Karfali Mohalla.
12. Mubashir Nazir Bhat S/o Nazir Ahmad Bhat R/o Chaidoab, Safakadal.
13. Danish Rahim Mir S/o Ab. Rahim Mir R/o Rathpora, Eidgah.
14. Musawir Ahmad Bhat S/o Gh. Nabi Bhat R/o Wanganpora, Eidgah.
15. Danish Ayub Budo S/o Mohd. Ayub R/o Sazgaripora, Hawal.
16. Owais Muneer Bhat S/o Muneer Ahmad Bhat R/o Rangpora, Elahibagh.
17. Bilal Ahmad Lone S/o Ab. Rehman Lone R/o Saidpora, Eidgah.

18. Hashim Qureshi S/o Manzoor Ahmad Qureshi R/o Wantpora.
19. Abdullah Najmul Sadiq S/o Mohd. Shafi Dar R/o Malbagh, A/P Palpora.
20. Shoeb Bin Quyoum S/o Ab. Qayoom Bhat R/o Mughal Masjid, Hawal.
21. Talib Imtiyaz Ahanger S/o Imtiyaz Ahmad R/o Islamia College, Hawal.
22. Moin Mutoo S/o Manzoor Ahmad R/o Malik Sahab, Gojwara (not arrested yet).
23. Peerzada Mohd. Waseem S/o Shabir Ahmad R/o Wanganpora, Nowakadal (not arrested yet).

By order of the Government of Jammu and Kashmir.

(Sd.)

Principal Secretary to the Government
Home Department.