



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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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

Notification

Jammu, the 12th April, 2018.

SRO-166.—Whereas, on 24-04-2017, PP Kakapora received an information through reliable sources that PDP District President namely Ab. Gani Dar S/o Gh. Mohd Dar R/o Rahmoo at Gundipora Pahoo, on way from Pulwama to Srinagar was intercepted by some terrorists led by Majid Hamid Mir R/o Kakapora and Ashraf Dar R/o Bagh Trich at Gundipora Pahoo crossing and fired upon him with their illegal automatic weapons

with intention to kill him, as a result, he got critically injured and was shifted to Hospital by his PSOs for treatment. The terrorists after committing the crime fled away from the spot etc.

Whereas, in this connection case FIR No. 139/2017 under sections 307, 302, 341, 120-B RPC, 7/27 A. Act was registered in P/S Pulwama and investigation was started ; and

Whereas, during the course of investigation, on the basis of statement of witnesses recorded under sections 161 and 164 Cr. P.C and other incriminating material, it was established that the deceased apart from being District President, PDP was a lawyer by profession and on the fateful day the deceased left for Srinagar from District Court, Pulwama in a Government vehicle (Bolero) bearing Regd. No. JK02BA-4633 alongwith his PSO's/Driver. On reaching Pahoo-Gundipora crossing, they were intercepted by a vehicle (Tavera) of white color and three men boarded in the vehicle came down from the vehicle and fired indiscriminately, as a result of which he got critically injured and was shifted to hospital for treatment where he succumbed to his injuries ; and

Whereas, during the course of further investigation, a suspect A2 was apprehended and he disclosed that on the fateful day he was present in District Court, Pulwama and in the meantime accused A5 came to him and he showed the vehicle and the deceased to him. After that, the accused A5 boarded a vehicle (Tavera) of white color bearing Regd. No. JK13C-0702 belonging to one accused A1 which was parked outside the court premises in which 02 terrorists A3 and A4 were already present. The CDR details in respect of phone No. 9858754012 of accused A2 Mobile No. 9622746114 used by accused A5 and Mobile No. 8803621274 used by accused A1 were obtained from the concerned mobile companies which confirms that the accused persons remained in constant touch with each other to execute the murder of the deceased. On the instance of the accused A2, the vehicle (Tavera) mentioned above used in the commission of crime was seized in the case from the compound of accused A1 who was arrested in the case ; and

Whereas, on the basis of statement of witnesses, seizure memo and other evidence, a prima facie case has been established against the following accused persons :—

- A1. Mohd. Aslam Malik S/o Mohd. Yousuf R/o Kakapora.
- A2. Bashir Ahmad Rather S/o Ghulam Mohi-ud-Din adopted son of Ghulam Qadir Dar R/o Kakapora for the commission of offences punishable under section 18 of UAPA.
- A3. Mohd. Ashraf Dar S/o Gh. Mohi-ud-Din R/o Bagh Trich, Pulwama.
- A4. Majid Hamid Mir S/o Ab. Hamid.
- A5. Shakir Ahmad Gagjoo S/o Bashir Ahmad R/o Kakapora for the commission of offences punishable under sections 16, 18 and 20 of UAPA ;

Whereas, the accused A1 and A2 were formally arrested in the case and are presently under judicial remand at Central Jail, Srinagar. On 21-06-2017, the accused A4 and A5 were eliminated in an encounter with security forces at New Colony, Kakapora while as accused A3 got killed in an encounter with security forces at Gulab Bagh, Tral on 09-08-2017, as such, no sanction is required in respect of accused A3, A4 and A5 ; and

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 sanction for launching prosecution against the accused persons ; 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 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 provisions of law.

Now, therefore, in exercise of powers conferred by sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the State Government hereby accord sanction for launching prosecution against the below mentioned accused persons for the commission of offence punishable under section 18, of the Unlawful Activities (Prevention) Act, 1967 arising out of FIR No. 139/2017 of P/S Pulwama :—

1. Mohd. Aslam Malik S/o Mohd. Yousuf R/o Kakapora .
2. Bashir Ahmad Rather S/o Ghulam Mohi-ud-Din adopted son of Ghulam Qadir Dar R/o Kakapora.

By order of the Government of Jammu and Kashmir.

(Sd.)

Principal Secretary to the Government,
Home Department.