

EXTRAORDINARY

REGD. NO. JK—33



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 131] Srinagar, Thu., the 7th June, 2018/17th Jyai., 1940. [No. 10-c

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

Srinagar, the 7th June, 2018.

SRO-266.—Whereas, on 06-04-2017, it was reliably learnt by Police Post, Qaimoh that some miscreants headed by (1) Fayaz Ahmad Dhonu S/o Bashir Ahmad Dhonu R/o Redwani Payeen, (2) Ajaz Ahmad Makroo S/o Late Ghulam Rasool R/o Ghat Qaimoh, (3) Mohammad Farhan Wani

S/o Ghulam Mohammad Wani R/o Wanigund, (4) Altaf Ahmad Ahanger S/o Bashir Ahmad Ahanger R/o Ghat and (5) Arif Ahmad Ahanger S/o Manzoor Ahmad R/o Ghat carrying lathies and stones in their hands turned violent at village Redwani and were raising anti-national slogans etc. During the said process unruly mob resorted to stone pelting on some employees of Irrigation Division, Kulgam who were present in the said village to assess the flood situation, following the inundation by rains. Two employees of Flood and Irrigation Control Department have sustained injuries in the said incident. The I/C PP had rushed to the spot etc.

2. Whereas, in this connection case FIR No. 45/2017 under sections 148, 149, 307, 332, 336 RPC and sections 10 & 13 ULA (P) Act has been registered in P/S Kulgam and investigation taken up ;

3. Whereas, during the course of investigation site plan was prepared and statements of some witnesses were recorded under section 161 Cr. PC. Some lathies and stones have been seized from the spot as piece of evidence and seizure memo prepared in this regard. Accused person namely, Fayaz Ahmad Dhonu S/o Bashir Ahmad Dhonu R/o Redwani Payeen was apprehended on spot while as other accused persons managed to flee from the spot. During personal search of the accused one cell phone was recovered from his possession. Investigation conducted has revealed that accused Fayaz Ahmad Dhonu S/o Bashir Ahmad Dhonu R/o Redwani Payeen is actively involved in spreading anti-national propaganda among different whatsapp groups through his mobile phone. The accused disclosed his confidential code of seized mobile and also disclosed that he was sending the whatsapp message to his whatsapp group members in order to continue the struggle of freedom to liberate J&K State from the Union of India. On the basis of disclosure made by accused some incriminating material has been retrieved from the said mobile phone and placed on record and in this regard relevant sections of Evidence Act have been adhered to by the Investigating Agency.

4. Whereas, during further investigation the injury memos of the injured persons were prepared and medical opinion obtained from the concerned medical officer and placed on record. Investigation conducted

and evidence collected revealed the involvement of the accused persons namely ; (1) Fayaz Ahmad Dhonu S/o Bashir Ahmad Dhonu R/o Redwani Payeen, (2) Ajaz Ahmad Makroo S/o Late Ghulam Rasool R/o Ghat Qaimoh, (3) Mohammad Farhan Wani S/o Ghulam Mohammad Wani R/o Wanigund, (4) Altaf Ahmad Ahanger S/o Bashir Ahmad Ahanger R/o Ghat and (5) Arif Ahmad Ahanger S/o Manzoor Ahmad R/o Ghat in the commission of crime punishable under sections 148,149,307,332,336 RPC and section 13 ULA (P) Act arising out of FIR No. 45/2017 of Police Station, Kulgam and accordingly the case has been closed as challan against the above mentioned five accused persons.

5. Whereas, further investigation conducted revealed that the accused No. 2 and 3 had joined HM militant ranks and on 09-01-2018 accused No. 3 had been killed in an encounter with security forces for the incident FIR No. 01/2018 has been registered at Police Station, Larnoo, Anantnag, while as accused No. 2 is absconding against whom proceedings under section 512 Cr. PC have been initiated.

6. 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

7. 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.

8. 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 accused persons A1, A2, A4, and A5 for the commission of offence punishable under section 13 ULA (P) Act, 1978, arising out of FIR No. 45/2017 P/S Kulgam.

By Order of the Government of Jammu and Kashmir.

(Sd.)

Principal Secretary to the Government,
Home Department.