

REGD. NO. JKô 33



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separate compilation:

Jammu and Kashmir Government—Notifications.

Notification

Srinagar, the 19th September, 2018.

SRO-418.óóWhereas, on 24-04-2013, a letter No. CS/OPS/13/506 dated 24-04-2013, was received by Police Station, Yaripora, from Dy. SP (Ops.), Kulgam, wherein it was alledged that on the basis of various inputs

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and consequent analysis of mobile telephone communications, it has been
found that some anti-national elements are procuring SIM Cards by preparing
fake documents in connivance with the officials of some mobile telephone
service providers and are making communication possible between
different terrorists etc. ; and

2. Whereas, in this connection case FIR No. 37/2013 under sections 468, 471, 120-B RPC 7/25-A Act, 13 ULA (P) Act, 1967, ¾ Explosive Substances Act, 1908 was registered in Police Station, Yaripora, Kulgam ; and

3. Whereas, during the course of investigation, one suspect namely Manzoor Ahmad Kucchay S/o Gh. Mohd Kucchay R/o Kadder was apprehended. On his disclosure, 03 mobile phones were seized which he was using to talk with his sister in Pakistan and also with his brother-in law namely Sajid, a LeT commander. Further call details (CDR) of the said phones were collected. As per the disclosure statement of said accused, he had received SIM Card along with mobile phones from one Fayaz Ahmad Lone S/o Gull Mohammad Lone R/o Awagam who was also arrested and on his disclosure, one mobile phone with SIM Card and one pistol with magazine 06 rounds and mine fitted in pressure cooker (weighing 05 kgs) were recovered/seized ; and

4. Whereas, during further investigation, two more accused persons namely Mudasir Ahmad Sheikh S/o Gh. Mohd Sheikh R/o Yamach and Irfan Ahmad S/o Abdul Hamid Dhobi R/o Wasoora, Pulwama were also found to be involved in the case. However, accused Mudasir Ahmad Sheikh was killed during cross firing on 24-12-2012 and accused Irfan Ahmad also died in a road accident on 28-12-2012. It was also established during investigation that SIM Card bearing No. 880908747 seized from the possession of accused Manzoor Ahmad Kuchay was in the name of Mohammad Qasim Kasana S/o Roshan Din R/o Ringth, Dhamal whileas SIM Card bearing No. 9596081449 recovered from the possession of accused Fayaz Ahmad Lone was in the name of Nigeena Bano D/o Abdul Rashid R/o Noonagri, Pulwama. The statement of Mohammad Qasim Kasana was recorded. However, he denied to have procured the SIM Card from any of the franchise whileas, the name of

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Ahmad Sheikh was killed during cross firing on 24-12-2012 and accused

established during investigation that SIM Card bearing No. 880908747

name of Mohammed Oassim Kasane S/o Basheer Din B/o Binath

Dharmal whileas SIM Card bearing No. 9396081449 recovered from

Nigeena Bano D/o Abdul Rashid R/o Noonagri, Pulwama. The statement

procured the SIM Card from any of the franchisee whereas the name of

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Nigeena Bano was not found existing in the Voter List. In this regard,
the statement of the concerned Booth Level Officer (BLO) was also
recorded ; and

5. Whereas, investigation conducted further revealed that the
SIM Cards were obtained by accused Irfan Ahmad Dhobi on fake
documents prepared from his computer and illegally procured by one
Sajad Ahmad Bhat S/o Mohd Maqbool Bhat R/o Frisal, Kulgam who used
to work with the Aircel Company and would fraudulently use the documents
of other customers for procuring SIM Cards which were used for terrorist
activities ; and

6. Whereas, investigation conducted has prima facie established
the commission of offences punishable under section 13 of ULAP
Act, 1967 against accused persons and investigation of the case was
closed as challan ; and

7. 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 for the commission
of offence punishable under section 13 of UAPA Act, 1967 ; and

8. 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.

9. 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

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of offence punishable under section 13 of UAPA arising out of FIR
No. 37/2013 Police Station, Kulgam.

1. Fayaz Ahmad Lone S/o Gul Mohammad Lone R/o Awagam, Kulgam ;
2. Manzoor Ahmad Kuchay S/o Gh. Mohammad Kuchay R/o Kadder, Kulgam ; and
3. Sajad Ahmad Bhat S/o Mohammad Maqbool Bhat R/o Frisal, Kulgam.

By order of the Government of Jammu and Kashmir.

(Sd.)

Principal Secretary to the Government,
Home Department.