

JAMMU & KASHMIR GOVERNMENT GAZETTE

PART I—B

Jammu and Kashmir Government—Notifications.

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GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATO HOME DEPARTMENT

Notification

Jammu, the 7th January, 2020.

SO-06.66Whereas, on 17-06-2018, Police Station, Devsar received an information through reliable source that some unknown terrorists fired upon one Mohammad Iqbal Kawak S/o Mohammad Abdullah Kawak R/o Kelam near his house with their illegal arms/ammunition with intention to kill him, due to which he sustained grievous injuries. He was shifted to District Hospital, Anantnag where he succumbed to his injuries ; and

2. Whereas, a case FIR No. 27/2018 under section 307 RPC, 7/27 A. Act, under sections 13, 16, 18, 20, 38 & 39 of ULA(P) Act, 1967 was registered in Police Station, Devsar and investigation of the case was taken up; and

- 3. Whereas, during the course of investigation, a site plan was prepared and during spot inspection, 06 Empty cartridges of AK-47 series and 03 Cartridges of INSAS rifle were recovered and seizure memo was prepared; and
- 4. Whereas, during investigation, involvement of accused (1) Salal Ahmad Ganie who was already under custody in case FIR No. 107/2018 of Police Station, Kulgam, surfaced, as such, for the purpose of investigation in the instant case, his custody was changed. The accused confessed his involvement in the case, accordingly, disclosure memo was prepared. Further investigation revealed the involvement of (2) Muzaffer Ahmad Bhat S/o Mohd Amin Bhat R/o Sopat, Devsar, (3) Shakoor Ahmad Dar @ Abu Baker S/o Mohammad Muniwar Dar R/o Sopat and (4) Abu Mavia R/o Pakistan; and
- 5. Whereas, the Investigating Officer on the basis of seizure memos, statement of witnesses recorded under relevant sections of law and other evidence has *prima facie*, established the commission of offences punishable under sections 302 RPC, 7/27 Arms Act, 13, 16, 18, 20, 38 & 39 of the Unlawful Activities (Prevention) Act, 1967, against the accused persons namely , Salal Ahmad Ganie @ Shakoor S/o Ghulam Qadir Ganie R/o Chadder, Muzaffer Ahmad Bhat S/o Mohd Amin Bhat R/o Sopat, Devsar, Shakoor Ahmad Dar @ Abu Baker S/o Mohammad Muniwar Dar R/o Sopat and Abu Mavia R/o Pakistan. Accused namely, Shakoor Ahmad Dar @ Abu Baker and Abu Mavia have been killed in different encounters with security forces and accused Muzaffer Ahmad Bhat is absconding as such proceedings under section 512 Cr. PC have been initiated; and
- 6. Whereas, the Authority appointed by the Government of J&K 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 said 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 Government of J&K 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 Government of J&K hereby accords sanction for launching prosecution against the accused persons, namely :ô

1. Salal Ahmad Ganie @ Shakoor S/o Ghulam Qadir Ganie R/o Chadder, 2. Muzaffar Ahmad Bhat S/o Mohd Amin Bhat R/o Sopat, Devsar for the commission of offences punishable under sections 13, 16, 18, 20, 38 & 39 of Unlawful Activities (Prevention) Act, 1967, in case FIR No. 27/2018 of Police Station, Devsar.

By order of the Government of Jammu and Kashmir.

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Principal Secretary to Government, Home Department.