

THE JAMMU AND KASHMIR OFFICIAL GAZETTE

separate compilation

Jammu and Kashmir Government—Notifications.

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GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HOME DEPARTMENT

Notification

Jammu, the 23rd March, 2022.

SO-105ô Whereas, on 03-10-2017, Police Post, Humhama through reliable sources came to know that some unknown terrorists with their illegal arms/ammunition barged into the BSF camp of 182 Bn Gogoland, Humhama and resorted to indiscriminate firing upon the security forces in order to kill them; and

2. Whereas, upon the information, a Case FIR No. 229/2017 under sections 307 IPC, 7/25 Arms Act, came to be registered in Police Station, Budgam and investigation of the case was taken up; and

- 3. Whereas, during gun fight three unknown terrorists had been killed by the security forces and one BSF officer was also mortared in the incident besides injuries were also caused to several Police/BSF personnel. During search arms/ammunition was recovered from the encounter site. Subsequently, during investigation, sections 302, 120-B IPC and sections 13, 16, 18 of ULA (P) Act, were added in the case; and
- 4. Whereas, during the course of investigation, site plan of place of occurrence and seizure memos were prepared and statement of witnesses acquainted with the facts and circumstances of the case were recorded under the relevant provisions of law; and
- 5. Whereas, during investigation, a person namely Fayaz Ahmad Magray S/o Jalal Din Magray R/o Lethpora who was already arrested by NIA in another case, was found involved in the instant case. Subsequently, his custody was changed and during questioning the accused was found in contact with three terrorists of JeM banned outfit namely, Mufti Ab. Mateen R/o Abasspora, PoK Mudasir Ahmad Khan S/o Farooq Ahmad and Noor Mohammad Tantary S/o Ab. Khaliq R/o Tral and was working for them; and
- 6. Whereas, during further investigation, it was established that accused Fayaz Ahmad Magray on the directions of above three terrorists brought some unknown terrorists to Rawalpora and handed them over to three persons Mohammad Amin Allie S/o Wali Mohammad R/o Mochoo Chadoora, Mushtaq Ahmad Wani S/o Mohammad Ramzan and Javaid Ahmad Sofi S/o Mohammad Ramzan Rs/o Rawalpora who after providing shelter/logistic support to the above unknown terrorists for some days handed over them to terrorist Noor Mohammad and under well knit criminal conspiracy the unknown terrorists barged into the Camp of 182 Bn BSF and attacked upon the BSF jawans, which resulted death of one BSF officer and injuries to some officials; and
- 7. Whereas, accused terrorists Mufti Ab. Mateen, Mudasir Ahamd Khan, Noor Mohammad Tantary have been killed in the different encounter and three unknown terrorists have been killed in the said encounter, therefore, proceedings under law shall abate against them; and
- 8. Whereas, on the basis of investigation, statement of witnesses recorded and other evidence collected, the Investigating Officer has established *prima facie* involvement of below mentioned accused for the

- 2 Mohammad Amin Allie S/o Wali Mohammad R/o Mochoo, Chadoora.
- 3 Mushtaq Ahmad Wani S/o Mohammad Ramzan R/o Rawalpora.
- 4 Javaid Ahmad Sofi S/o Mohammad Ramzan R/o Rawalpora.
- 9. Whereas, the Authority appointed by the Government under sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, has independently scrutinized Case Diary File and all the other relevant documents relating to the case and has come to the conclusion that *prima facie* case is made out against the accused; and
- 10. Whereas, after perusing the Case Diary, the relevant documents and also taking into consideration the views of the Authority appointed under sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the Government is of the view that there is sufficient material and evidence available against the accused for their prosecution under the 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 hereby accord sanction for launching prosecution against the accused viz. Fayaz Ahmad Magray, Mohammad Amin Allie, Mushtaq Ahmad Wani and Javaid Ahmad Sofi for the commission of offences punishable under relevant sections of the Unlawful Activities (Prevention) Act, 1967, as indicates against each accused in para (8) above, arising out of FIR No. 229/2017 of Police Station, Budgam.

By order of the Government of Jammu and Kashmir.

(Sd.) R. K. GOYAL, IAS,

Financial Commissioner (Additional Chief Secretary), Home.