

## THE JAMMU AND KASHMIR OFFICIAL GAZETTE

## PART I—B

Jammu and Kashmir Government-Notifications.

GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HOME DEPARTMENT

Notification

Jammu, the 20th April, 2022.

S.O.-189.ô Whereas, on 27-10-2020, a tip-off was received by Police Station, Kakapora to the effect that some unknown persons had pasted posters on the walls and electric polls in Main Town, Kakapora. The posters containing appeal to the public to celebrate 27th October, as black day and challenged the accession of Jammu and Kashmir with the Union of India ; and

2. Whereas, based on the above, a Case FIR No.82/2020 U/S 13, ULA (P) Act, came to be registered in Police Station, Kakapora and investigation, of the Case was taken up. Subsequently, during investigation, Sections 18, 39, ULA (P) Act was added in the case; and

3. Whereas, during the course of investigigation, site plan of place of occurrence and seizure memos were prepared and statements of witnesses acquainted with the facts and circumstances of the case were recorded under the relevant provisions of law ; and

4. Whereas, during investigation, two suspects viz Mehraj Ahmad Dar S/o Gh. Qadir Dar and Musharaf Mushtaq Bhat @ Sahil S/o Mushtaq Ahmad Bhat Rs/o Begumbagh, Kakapora were found involved in the commission of offence. Subsequently, both the accused persons were arrested in connection with the case ; and

5. Whereas, during investigation, it was established that both the accused were in contact with one terrorist of LeT banned outfit through virtual mode who disclosed his identity as Sajad Ahmad R/o Kulgam and were working as Over Ground Workers (OGWs) for the said terrorist, besides, on his directions both the accused pasted the posters on the walls and electric poles of the area ; and

6. Whereas, on the basis of investigation, statements of witnesses recorded and other evidence collected, the Investigating Officer has established *prima facie* involvement of below mentioned accused for the commission of offences punishable under sections as shown against each of the Unlawful Activities (Prevention) Act, 1967:ô

S. Name of accused Offence No.  $\hat{0} \ \hat{0} \$ 1 2 3  $\hat{0} \ \hat{0} \$ 1. Mehraj Ahmad Dar S/o Gh. Qadir Dar 13. 18. 39 R/o Begumbagh, Kakapora. ULA (P) Act Musharaf Mushtag Bhat @ Sahil S/o 2. Mushtaq Ahmad Bhat R/o Begumbagh, Kakapora.

7. Whereas, the Authority appointed by the Government under Sub-Section (2) of Section 45 of the Unlawful Activities (Prevention) Act, 1967 has independently examined the Case Diary File and all the other relevant documents relating to the case and has come to the conclusion that a *prima facie* case is made out against the accused ; and

8. Whereas, after perusing the Case Diary File, 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 above accused viz Mehraj Ahmad Dar and Musharaf Mushtaq Bhat for the commission of offences punishable under Sections 13, 18 and 39 of the Unlawful Activities (Prevention) Act, 1967, arising out of FIR No. 82/2020 of Police Station, Kakapora.

By order of the Government of Jammu and Kashmir.

(Sd.) R.K.GOYAL, IAS, Financial Commissioner, (Additional Chief Secretary), Home Department.