

THE

JAMMU AND KASHMIR OFFICIAL 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 25th April, 2022.

SO-209.66Whereas, on 27-10-2021, a tip-off was received by Police Station, Baramulla to the effect that some unknown terrorists fired indiscriminately upon joint patrolling party of Police/Security forces at Cheradari, Baramulla. The fire was retaliated by the patrolling party, triggering an encounter; and

- 2. Whereas, based on the above, case FIR No. 232/2021 under section 307 IPC, 7/27 Arms Act, came to be registered in Police Station, Baramulla and investigation was taken up. During investigation, dead body of one terrorist later identified as Javaid Iqbal Wani S/o Mohammad Iqbal Wani R/o Thokarpora, Nanibug, Kulgam of banned terrorist of LeT organization was recovered from the encounter site along with arms/ammunition. Subsequently, during investigation sections 13, 18, 19, 20, 23, 38, 39 of ULA (P) Act were added in the case; and
- 3. Whereas, during 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
- 4. Whereas, during investigation, three persons viz. Asgar Majeed Lone S/o Ab. Majeed R/o Gulshan Abad, Baramulla, Asif Ahmad Ganie S/o Gh. Rasool R/o Bagi Islam, Baramulla and Faizan Rasool Gojree S/o Gh. Rasool R/o Syed Karim, Baramulla were found involved in the case. Subsequently, the accused were arrested in connection with the case and during investigation, 01 Chinese Grenade, 01 Detonator and 24 AK-47 rounds were recovered from the possession of accused Asgar Majeed Lone; and
- 5. Whereas, during investigation, it was established that accused viz. Asgar Majeed Lone, Asif Ahmad Ganie and Faizan Rasool Gojree were working as Over Ground Workers (OGWs) for the terrorist Javaid Iqbal Wani and were providing logistic support to him, besides, under well knit criminal conspiracy were voluntarily harbouring the terrorist in their residential houses for carrying out the terrorist activities in the area; and
- 6. Whereas, the terrorist Javaid Iqbal Wani has been killed in the said encounter and proceedings under law would abate against him; and
- 7. 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

S. Name of accused Offence No.

- 1 Asgar Majeed Lone S/o Ab. Majeed 13, 18, 19, 23, R/o Gulshan Abad, Baramulla. 39 of ULA (P) Act
- Asif Ahmad Ganaie S/o Gh. Rasool
 Ganaie R/o Bagi Islam, Baramulla.
 ULA (P) Act.
- 3. Faizan Rasool Gojree S/o Gh. Rasool Gojree R/o Syed Karim, Baramulla.
- 8. Whereas, accused namely Faizan Rasool Gojree has been found juvenile during the investigation and in view of section 1(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015, the apprehension, detention, prosecution, penalty or imprisonment shall be governed by the said Act; and
- 9. Whereas, the Authority appointed by the Government under subsection (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 at *prima facie* case is made out against the above accused; and
- 10. 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 above-mentioned accused for prosecution under the provisions of law.

Now, therefore, in exercise of the powers conferred by subsection (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the Government hereby accord sanction for launching prosecution against the accused viz. Asgar Majeed Lone and Asif Ahmad Ganie for the commission of relevant offences of the Unlawful Activities

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner (Additional Chief Secretary), Home Department.