

THE

JAMMU AND KASHMIR OFFICIAL GAZETTE

separate compilation.

PART I-B

Jammu and Kashmir Government-Notifications.

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GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HOME DEPARTMENT

Notification

Jammu, the 26th April, 2022.

SO-211.66Whereas, on 07-11-2021, Police Station, JIC, Jammu received reliable information to the effect that one Asif Shabir Naik S/o Shabir Hussain Naik R/o Upper Behari, Dhandal, Kashtigarh, Doda had gone to Pakistan on a visitor visa for 28 days on the false pretext of visiting a relative staying in the Pakistan ; and

2. Whereas, based on the above, case FIR No. 04/2021 under sections 18, 20, 38, 39 of ULA (P) Act, came to be registered in Police Station, JIC, Jammu and investigation was taken up. Subsequently, during investigation sections 13, 18-B of ULA (P) Act were added in the case ; and

3. Whereas, during course of investigation, 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, accused viz. Asif Shabir Naik was arrested in connection with the case and it was established that the father of accused namely, Shabir Hussain Naik @ Khalid Shabir @ Khalid Quari @ Abu Talla S/o Ghulam Mohd Naik R/o Upper Behari, Dhandal, Kastigarh, Doda had crossed LOC in year 2000 and joined HM banned outfit along with one Safdar Hussain @ Ehsan @ Islam-ul-Haq S/o Abdul Gani Bhat R/o Behota, Marmat, Doda in Pakistan for planning subversive activities against India ; and

5. Whereas, during investigation, it was established that accused viz. Asif Shabir Naik, Shabir Hussain Naik and Safdar Hussain are members of HM banned outfit, besides, accused Asif Shabir Naik visited Pakistan on pretext of visiting a relative where accused Shabir Hussain Naik and Safdar Hussain under well knit criminal conspiracy motivated and facilitated the joining of accused Asif Shabir Naik with the HM banned outfit and deputed him to training camps organized by HM banned outfit for imparting specialized training and to carrying out terrorist activities in the Valley ; and

6. 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 commission of offence punishable under section as shown against each of the Unlawful Activities (Prevention) Act, 1967 :ô

 Asif Shabir Naik S/o Shabir Hussain Naik 13, 18, 20, 38 R/o Upper Behari, Dhandal, Kastigarh, Doda. of ULA (P) Act.

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3. Safdar Hussain @ Ehsan @ Islam-ul-Haq S/o Abdul Gani Bhat R/o Behota, Marmat, District Doda A/P Pakistan.

7. Whereas, accused viz. Shabir Hussain Naik and Safdar Hussain are absconding against whom proceedings under section 299 Cr. PC have been proposed to be initiated ; and

8. 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 *prima facie* case is made out against the above accused ; and

9. 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 their 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. Asif Shabir Naik, Shabir Ahmad Naik and Safdar Hussain for the commission of relevant offences of the Unlawful Activities (Prevention) Act, 1967, indicates against each at Para (6) above, arising out of FIR No. 04/2021 of Police Station, JIC, Jammu.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner (Additional Chief Secretary), Home Department.