

THE

JAMMU AND KASHMIR OFFICIAL GAZETTE

separate compilation.

PART I-B

Jammu and Kashmir Government-Notifications.

ô ô ô ó

GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HOME DEPARTMENT

Notification

Jammu, the 28th April, 2022.

SO-220.66Whereas, on 29-11-2020, a tip-off was received by Police Station Chrar-e-Sharief to the effect that unknown terrorists of banned LeT outfit along with associates had pasted posters of the LeT banned outfit, asking general public not to participate in DDC/Panchayat elections ; and 2. Whereas, based on the above, case FIR No. 123/2020 under section 13 of ULA (P) Act, came to be registered in Police Station, Chrar-e-Sharief and investigation was taken up ; and

3. Whereas, during 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, a person namely Muzaffar Ahmad Ganie S/o Mohammad Akbar Ganie R/o Check-Karpora, was found involved in the commission of offence. Subsequently, the accused was arrested in connection with the case and during investigation some LeT banned posters were recovered from his residential house which he has received from two persons viz. Ishfaq Rashid S/o Abdul Rashid Ganie R/o Kamrazipora, Pulwama and Basit Ayoub Bhat S/o Mohammad Ayoub Bhat R/o Drabgam who were also arrested in the case ; and

5. Whereas, during investigation, it was established that the accused viz. Ishfaq Rashid Ganie and Basit Ayoub Bhat had received the posters from LeT banned terrorst namely Umar Mukhtar Lone S/o Muthtaq Ahmad R/o Naidgam, Shopian for pasting the same in the area, both the accused handed over the posters of accused viz. Muzaffar Ahmad Ganie who pasted the posters in the area ; and

6. Whereas, accused terrorist Umar Mushtag Lone has been killed in an encounter with the security forces 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 the commission of offence punishable under section as shown against each of the Unlawful Activities (Prevention) Act, 1967 :ô

S. Offence Name of the accused No. 2 3 1 1. Muzaffar Ahmad Ganie S/o Mohammad 13 of Akbar Ganie R/o Check-Karpora.

ULA (P) Act.

 Ishfaq Rashid S/o Abdul Rashid Ganie R/o Kamrazipora, Pulwama.

3. Basit Ayoub Bhat S/o Mohammad Ayoub Bhat R/o Drabgam.

7. Whereas, accused namely Muzaffar Ahmad Ganie and Basit Ayoub Bhat have 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

8. 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 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 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. Ishfaq Rashid for the commission of offence punishable under section 13 of the Unlawful Activities (Prevention) Act, 1967, arising out of FIR No. 123/2020 of Police Station, Chrar-e-Sharief.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner (Additional Chief Secretary), Home Department.