

EXTRAORDINARY

REGD. NO. JK-33



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PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—HOME DEPARTMENT

Notification

Jammu, the 25th March, 2022.

SO-221.—Whereas, on 07-07-2020, Police Station, Pulwama received an information regarding presence of terrorists in Village Gusoo, Pulwama. Accordingly, joint cordon and search operation was launched in the village and during search terrorists hiding in the residential house of Mohammad Maqbool Lohar S/o Ghulam Ahmad Lohar R/o Gusoo fired indiscriminately upon the search party with their illegal arms/ammunition with intention to kill them, resulting in injuries to three Army personnel and one Police person. The fire was retaliated which triggering an encounter ; and

2. Whereas, based on the above, case FIR No. 163/2020 under section 307 IPC, 7/27 Arms Act 16, 18, 20 of ULA (P) Act, was registered in Police Station, Pulwama and the investigation of the case was set into motion. During investigation, one Army injured personnel NK Rajwinder Singh succumbed to his injuries. Subsequently, during investigation section 302 IPC, 19 of ULA(P) Act, were added in the case ; and

3. Whereas, during investigation, dead body of one killed terrorist identified as Mudasir Ahmad Bhat S/o Ab. Rashid Bhat R/o Laribal was recovered from the encounter site along with some arms/ammunition. 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, it was established that on 07-07-2020, accused viz. Mohammad Maqbool Lohar under well knit criminal conspiracy had voluntarily harboured the above terrorist in his residential house who fired indiscriminately upon the search party which resulted in the death of one Army personnel and injuries to other Police/Security personnel ; and

5. Whereas, during investigation, terrorist Mudasir Ahmad Bhat has been killed in an encounter with the security forces and proceedings under law would abate against him ; 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 in the commission of offences punishable under section as shown against his name of the Unlawful Activities (Prevention) Act, 1967 :—

| S. No. | Name of the accused | Offence |
|--------|--|---------------------------|
| 01. | Mohammad Maqbool Lohar S/o Ghulam Ahmad Lohar R/o Gusoo | 18, 19 of ULA (P) Act. |

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 *prima facie* case is made out against the above 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 above-mentioned accused for his 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. Mohammad Maqbool Lohar for the commission of offences punishable under sections 18 and 19 of ULA (P) Act arising out of FIR No. 163/2020 of Police Station, Pulwama.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/
Additional Chief Secretary (Home).