

THE JAMMU AND KASHMIR OFFICIAL GAZETTE

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PART I—B

Jammu and Kashmir Government—Notifications.

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GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HOME DEPARTMENT

Notification

Jammu, the 28th April, 2022.

SO-225ô Whereas, on 20-04-2011, a reliable information was received by Police Station, Banihal to the effect that one OGW namely, Barkat Ali S/o Haji Sultan Dar R/o Karawa, Banihal was working as Hawala money distributor for various terrorist organizations and collected huge amount of money from Kashmir for terrorist operating in the jurisdiction of Police Station, Banihal; and

2. Whereas, based on the above, a case FIR No. 65/2011 under secions 13, 17,18, 20, 21, 40 ULA (P) Act, came to be registered in Police Station, Banihal and investigation was taken up; and

- 2 The J&K Official Gazette, 28th April, 2022/8th Vai., 1944. [No. 4-i
- 3. Whereas, during investigation, accused viz. Barkat Ali was arrested in connection with the case and it was established that he was in contact with his brother-in-law namely Ajaz Ahmad S/o Mohd Yousuf R/o Doligam, Banihal who had crossed the LOC and joined HM banned outfit. The accused Barkat Ali on the directions of his brother-in-law collected an amount of Rs. 2,00,000/- from an unknown person of Bijbehara for further distribution among the families of killed terrorists. Subsequently, during investigation an amount of Rs. 31,000/- were recovered from accused Barkat Ali; and
- 4. 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
- 5. Whereas, during investigation, two more accused viz. Farhat Ali S/o Abdul Ali Khanday and Mohd Ramzan S/o Ahad Hajam R's/o Tethar, Banihal were arrested in connection with the case and it was established that accused Farhat Ali after receiving an amount of Rs. 1,13,000/distributed the same among the families of killed terrorists including accused Mohd Ramzan S/o Ab Ahad Hajam R/o Tethar, Banihal (father of killed HM terrorist Guizar Ahmad). Subsequently, an amount of Rs. 1,13,000/were recovered from the above two accused; and
- 6. Whereas, during investigation, it was established that the accused viz. Barkat Ali was in contact with his brother-in-law, a PoK HM banned terrorist and on his directions he procured an amount of Rs. 2,00,000/from an unknown person from Bijbehara for further distribution among the families of killed terrorist. The accused Farhat Ali after receiving an amount of Rs. 1,13,000/- from the accused Barkat Ali distributed an amount of Rs. 31,000/- to accused Mohd Ramzan and concealed the remaining amount of Rs. 82,000/- which were later recovered from his residential house; and
- 7. Whereas, accused Mohd Ramzan Hajam has expired during the course of investigation and he has been dropped from the case; and
- 8. 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

- 2. Farhat Ali Khanday S/o Abdul Ali R/o Khanday Thethar, Banihal.
- 3. Ajaz Ahmad Sheikh S/o Mohd Yousuf 13, 17, 18, 20, 40 Sheikh R/o Doligam, Banihal. ULA (P) Act
- 9. Whereas, accused Ajaz Ahmad Sheikh being active terrorist is absconding and proceedings under section 299 Cr. PC. have been proposed to be initiated against him; and
- 10. 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
- 11. 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. Barkat Ali Dar, Farhat Ali Khanday and Ajaz Ahmad Sheikh for the commission of offences punishable under relevant sections of the Unlawful Activities (Prevention) Act, 1967, indicated against each at Para (8) above, arising out of FIR No. 65/2011 of Police Station, Banihal.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner (Additional Chief Secretary), Home Department.