

THE

JAMMU AND KASHMIR OFFICIAL GAZETTE

PART I-B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HOME DEPARTMENT

Notification

Srinagar, the 7th May, 2022.

SO6231.ô Whereas, on 16-11-2021, Police Station, Nagrota received reliable information that some terrorist associates affiliated to prescribed Jaish-e-Mohammad (JeM) were transporting terror funds to the Kashmir Valley. Subsequently, a Naka was established near Sidhra Bridge and during Naka checking Police intercepted a vehicle (Innova) and arrested three persons identified as Fayaz Ahmad Dar S/o Ab. Rehman Dar R/o Mishpura Frisal, Kulgam, Umar Farooq Malik S/o Farooq Ahmad Malik and Mouzam Parvez Malik S/o Parvez Ahmad Malik Rs/o Dalipora, Pulwama. During their personal search Police recovered an amount of Rs. 43 Lakhs from their possession ; and

2. Whereas, based on the above, a Case FIR No. 429/2021 under sections 13, 17 of ULA (P) Act, came to be registered in Police Station, Nagrota and investigation of the case was taken up. Subsequently, during the investigation, sections 18, 39, 40 of ULA(P) Act were added in the case ; and

3. Whereas, during the investigation, site plan of the place of occurrence and seizure memos were prepared and statements of witnesses acquainted with the facts and circumstances of the case were recorded under the relevant provisions of law and during the investigation, Fayaz Ahmad Dar was not found involved in the case. Subsequently, the said person was dropped from the case by giving the benefit of section 169 Cr. PC and on the orders passed by Ld. Judge the amount in his possession was also released ; and

4. Whereas, during the investigation, accused viz. Umar Farooq Malik and Mouzam Parvez Malik were found in contact with PoK based JeM banned terrorist Ashiq Nengroo and were working as Over Ground Workers (OGWs) for the said terrorist. The accused Umar Farooq Malik and Mouzam Parvez Malik under a well-knit criminal conspiracy procured an amount of Rs. 15 Lakhs from the PoK based terrorist for further distribution among the terrorists of JeM banned outfit for carrying out the terrorist activities in the Valley ; and

5. Whereas, during the investigation, one more accused namely, Ravi Kumar S/o Prem Kumar R/o Harike, Taran Tarran was arrested in connection with the case. The investigation in respect of the said accused and PoK based JeM terrorist Ashiq Nengroo shall continue to bring out their role/involvement in the case ; 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 offences punishable under section as shown against each of the Unlawful Activities (Prevention) Act, 1967 :ô

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1. Umar Farooq Malik S/o Farooq Ahmad 17, 18, 39, 40													
	Malik R/o Dalipura, Pulwama.	ULA(P) Act.											

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2. Mouzam Parvez Malik S/o Parvez 17, 18, 39, 40 of													f													
	Ahmad Malik R/o Dalipura, Pulwama.														ι	JL	A	(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 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 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. Umar Farooq Malik and Mouzam Parvez Malik for the commission of offences punishable under sections 17, 18, 39 and 40 of the Unlawful Activities (Prevention) Act, 1967, arising out of FIR No. 429/2021 of Police Station, Nagrota.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner (Additional Chief Secretary), Home Department.