

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a
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 20th January, 2022.

SO-25.ôôWhereas, on 22-06-2021, Pulwama Police, during search of missing person Suhail Mushtaq Bhat S/o Mushtaq Ahmad Bhat R/o Kareemabad, Pulwama who went missing from his home on 12-06-2021, reliably came to know that the said missing person has joined

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the terrorist ranks of TRF outfit in order to wage war against the
Government of India ; and

2. Whereas, a Case FIR No. 177/2021 under Sections 121 IPC,
18, 20, 38 ULA (P) Act came to be registered in Police Station, Pulwama
and investigation of the case was taken up. Subsequently, during
investigation, section 18-B ULA (P) Act was added and section 18 ULA
(P) Act was dropped from the case ; and

3. Whereas, during investigation, two other accused persons namely
Shahbaz Ahmad Pala S/o Fayaz Ahmad Pala R/o Barpora and Ishfaq
Ahmad Dar S/o Fayaz Ahmad Dar R/o Kareemabad were found involved
in the case. Subsequently, both the accused persons were arrested in
connection with the case and during questioning both the accused persons
disclosed that they had lured and provoked the accused Suhail Mushtaq
Bha to join the terrorist ranks ; and

4. Whereas, during investigation, it was established that accused
Suhail Mushtaq Bhat was member of TRF outfit and accused persons
Shahbaz Ahmad Pala and Ishfaq Ahmad Dar instigated/provoked the
accused Suhail Mushtaq Bhat to join the terrorist ranks for carrying out
the terrorists activities in the area and to wage war against the
Government of India ; and

5. Whereas, accused terrorist Suhail Mushtaq Bhat has been killed
in the encounter with the security forces and proceedings under law shall
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 persons
for the commission of offences punishable under section as shown against
each of Unlawful Activities (Prevention) Act and IPC :ô

S. No.	Name of accused	Offence
1	2	3
1.	Shahbaz Ahmad Pala S/o Fayaz Ahmad Pal a R/o Barpora, Pulwama.	18-B ULA (P) Act
2.	Ishfaq Ahmad Dar S/o Fayaz Ahmad Dar R/o Kareemabad, Pulwama.	121 IPC

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7. Whereas, the Government 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 persons under the afore-mentioned provisions of IPC ; and

8. Whereas, on further perusal 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 abovementioned accused persons for their prosecution under the provisions of Unlawful Activities (Prevention) Act, 1967 also.

Now therefore, in exercise of powers conferred by Sub-Section 02 of Section 45 ULA(P) Act, 1967 and Section 196 Cr. PC., the Government hereby accords sanction for launching prosecution against the above accused persons for the commission of offences punishable under sections 18-B of Unlawful Activities (Prevention) Act, 1967, and Section 121 IPC in the case FIR No. 177/2021 of Police Station, Pulwama.

By order of the Government of Jammu and Kashmir.

(Sd.)

Principal Secretary to the Government,
Home Department.