

# JAMMU AND KASHMIR OFFICIAL GAZETTE

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

# GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HOME DEPARTMENT

### Notification

Srinagar, the 1st June, 2022.

S.O.-263.ô Whereas, on 17-11-2021, a specific information was received by the Police Station, D. H. Pora, regarding presence of terrorists in Village Pombay. Subsequently, a joint cordon and search operation was launched by the Police/Security Forces. During the search, the terrorists hiding in the cowshed of one Bilal Ahmad Dar S/o Mohammad Shaban Dar R/o Pombay, Kulgam, fired indiscriminately upon the Search Party with their illegally acquired weapons. The fire was retaliated by the search party, triggering an encounter; and

2. Whereas, based on the above, a Case FIR No. 155/2021 under section 307 IPC, 7/27 Arms Act, and Sections 16, 18, 19, 20, 38 and 39 of

- 3. Whereas, during the encounter, three terrorists of HM banned outfit identified as Shakir Ahmad Najar S/o Gulzar Ahmad Najar R/o Punipora, Mohammad Aslam Dar S/o Mohd Rafiq Dar R/o Redwani Bala and Sumair Ahmad Najar S/o Ab. Hamid Najar R/o Kanipora got killed. During the search, arms/ammunition viz. 02 AK-56 Rifles, 07 AK Magazines, 70 AK rounds, 01 Pistol, 01 Pistol Magazine, 02 Pistol rounds were recovered from the encounter site; and
- 4. Whereas, during the course of the investigation, the site plan of the place of occurrence and seizure memos were prepared and the statement of witnessess acquainted with the facts and circumstances of the case were recorded under the relevant provisions of law; and
- 5. Whereas, during the investigation, the accused viz. Bilal Ahmad Dar was arrested in the case and on his disclosure two other accused namely, Ab. Rashid Najar S/o Ali Mohd Najar R/o Punipora and Abid Ahmad Mir S/o Ab. Razak Mir R/o Manigam, Aishmuqam were also arrested in connection with the case and it was found that the accused were working for the terrorists of HM banned outfit; and
- 6. Whereas, during the investigation, it was established that the accused viz. Bilal Ahmad Dar, Ab. Rashid Najar and Abid Ahmad Mir were working as Over Ground Workers (OGWs) for the terrorists of HM banned outfit particularly for the killed terrorists viz. Shakir Ahmad Najar, Mohammad Aslam Dar and Sumair Ahmad Najar and were providing logistic support to them, besides under a well knit criminal conspiracy, constructed the hideout in the premises of accused viz. Bilal Ahmad Dar and voluntarily harboured the terrorists in the said hideout; and
- 7. Whereas, the accused terrorists viz. Shakir Ahmad Najar, Mohammad Aslam Dar and Sumair Ahmad Najar have been killed in the said encounter with the Security Forces and the proceedings under the law would abate against them; and
- 8. Whereas, on the basis of investigation, and other evidence collected the Investigating Officer has established, *prima facie*, involvement of

- S. Name of the accused Offences No.
- $\hat{0} \ \hat{0} \$ 
  - Bilal Ahmad Dar S/o Mohd Shaban Dar
    R/o Pombay, D. H. Pora.
    ULA (P) Act.
  - Ab. Rashid Najar S/o Ali Mohd Najar R/o Ponipora, Kulgam.
  - 3. Abid Ahmad Mir S/o Ab. Razak Mir R/o Manigam, Aishmuqam.
- 9. 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 relevent documents relating to the case and has come to the conclusion that a *prima facie* case is made out against the above accused; and
- 10. 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 the 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. Bilal Ahmad Dar, Ab. Rashid Najar and Abid Ahmad Mir for the commission of offences punishable under sections 18, 19 and 39, arising out of FIR No. 155/2021 of Police Station, D. H. Pora.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.