

EXTRAORDINARY

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**THE
JAMMU AND KASHMIR OFFICIAL GAZETTE**

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Vol. 135] Jammu, Thu., the 9th June, 2022/19th Jyai., 1944. [No. 10-a

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Separate paging is given to this part in order that it may be filed as a
separate compilation

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PART I—B

Jammu and Kashmir Government—Notifications.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT& HOME DEPARTMENT

Notification

Srinagar, the 9th June, 2022.

SO-276.& Whereas, on 13-12-2021, the Police Station, Kupwara received a written docket to the effect that one SPO namely Najmu Saqib S/o Sona-ullah Tantray R/o Bohipora, Kupwara, deployed to guard Old MLA Hostel, Salkote, Kupwara, decamped with 02 AK rifles, 03 Magazines and 90 AK rounds from the said Hostel. The said arms/ammunition were

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allotted to the PSOs namely Sg. Ct. Mushtaq Ahmad, No. 780/11th Security,
Constable Sujah Hussain No. 155/KP and Constable Bilal Ahmad Ganie,
No. 1298/KP, deployed with local political activist namely Ab. Rashid
Zargar ; and

2. Whereas, based on the above, a case FIR No. 392/2021 under
section 379 IPC, 18, 39 of ULA (P) Act and Section 3 of PEPO, was
registered in the Police Station, Kupwara and the investigation of the
case was taken up. Subsequently, during the investigation Section 379 IPC,
39 of ULA (P) Act and Section 3 of PEPO were dropped and Section 380
of IPC, Section 13 of ULA (P) Act were added in the case ; and

3. Whereas, during the course of the investigation, the site plan of
the place of occurrence and the seizure memos were prepared and the
statements of witnesses acquainted with the facts and circumstances of
the case were recorded under the relevant provisions of law ; and

4. Whereas, during the investigation, the accused viz. SPO, Najmu
Saqib was found in contact with one Arif Bashir Mir S/o Bashir Ahmad
Mir R/o Bohipora, Kupwara who has already left home on 12-12-2021 to
join the terrorist ranks. Subsequently, during the investigation both the accused
were arrested along with the stolen arms/ammunition ; and

5. Whereas, during the further investigation, it was established that
the accused viz. SPO, Najmu Saqib and Arif Bishir Mir were in contact
with a Pak handler namely @ Musa, through virtual mode and in furtherance
of the criminal conspiracy stolen the arms/ammunition from the Old MLA
Hostel, Salkote, Kupwara, in order to join terrorist ranks and to carry out
subversive activities in the area ; and

6. Whereas, the investigation, in respect of the Pak handler @ Musa
shall continue to ascertain his identity and to bring out his role/involvement
in the case ; and

7. Whereas, on the basis of the investigation, the statement of witnesses
recorded and other evidence collected, the Investigating Officer has
established, a *prima facie* involvement of the below mentioned accused

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for the commission of offences punishable under sections of the Unlawful
Activities (Prevention) Act, 1967, as shown against their name :ô

S. No.	Name of accused	Offence
1.	Najmu Saqib S/o Sona-ullah Tantray R/o Bohipora, Kupwara.	13, 18 of ULA (P) Act.
2.	Arif Bashir Mir S/o Bashir Ahmad Mir R/o Bohipora, Kupwara.	

8. Whereas, the accused viz. Arif Bashir Mir has been found juvenile during the investigation and in view of Section 1(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015, the apprehension, detention, prosecution penalty or imprisonment shall be governed by the said Act ; and

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 relevant 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 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. Najmu Saqib Tantray for the commission of offences punishable under sections 13 and 18 of ULA (P) Act, arising out of FIR No. 392/2021 of Police Station, Kupwara.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/
Additional Chief Secretary.