

## THE JAMMU AND KASHMIR OFFICIAL GAZETTE

## PART I—B

Jammu and Kashmir Government-Notifications.

## GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATO HOME DEPARTMENT

## Notification

Srinagar, the 16th June, 2022.

S.O.-290.ô Whereas, on 20-11-2021, a tip-off was received by the Police Station, Kulgam, regarding presence of unknown terrorists in the house of one Farooq Ahmad Ganie S/o Mohammad Ashoor Ganie R/o Mirpora, Aishmuji. Subsequently, a joint cordon and search operation was launched by the Police/Security Forces. During the Search, the hiding terrorists fired indiscriminately upon the Search Party with their illegally acquired arms/ammunition with the intention to kill them. The fire was retaliated by the Search Party, triggering an encounter; and

- 2. Whereas, based on the above, a Case FIR No. 242/2021, under section 307 IPC, 7/27 Arms Act, 13, 16, 20, 38 of ULA (P) Act was registered in Police Station, Kulgam and the investigation, of the case was taken up. Subsequently, during the investigation, Sections 18 and 19 of ULA (P) Act were added in the case; and
- 3. Whereas, during investigation, the dead body of one terrorist of HM banned outfit, later identified, as Mudasir Ahmad Wagay S/o Mohammad Jamal Wagay R/o Malwan, Kulgam, was recovered from the encounter site along with arms/ammunition i.e. 01 INSAS rifle, 04 Magazines, 117 Rounds, 01 Pistol Magazine with 18 rounds; and
- 4. Whereas, during the course of investigation, site plan of 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
- 5. Whereas, during the further investigation, the accused house owner viz. Farooq Ahmad Ganie, was arrested in the case and was found to have provided shelter and other Logistic support to the terrorists particulary terrorist viz. Mudasir Ahmad Wagay. During the investigation, one more accused namely, Sartaj Ahmad Ganie S/o Mohammad Maqbool Ganie R/o Mahagund, Ashmuji, was found involved in the case. Subsequently, the said accused was also arrested in the case; and
- 6. Whereas, during the further investigation, it was established that the accused viz. Farooq Ahmad Ganie and Sartaj Ahmad Ganie, under a well knit criminal conspiracy were providing logistic support to the terrorists of HM banned outfit particularly terrorist viz. Mudasir Ahmad Wagay, besides, the accused viz. Farooq Ahmad Ganie had been voluntarily harbouring the said terrorists in his residential house to carry out terrorist activities in the area; and
- 7. Whereas, the accused terrorist viz. Mudasir Ahmad Wagay has been killed in the said encounter and the proceedings under the law would abate against him; and
- 8. 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 for the commission of offences punishable under

S.	No.						Name of accused												Offence					
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1.	Farooq Ahmad Ganie S/o Mohammad																13, 18, 19							
	Ashoor Ganie R/o Mirpora, Ashmuji																ULA(P) Act							
2.	Sar	Sartaj Ahmad Ganie S/o Mohammad														13, 18								
	Ma	Maqbool Ganie R/o Mahagund, Ashmuji										ULA (P) Act.						ct.						

- 9. Whereas, the Authority appointed by the Government under Sub-Section (2) of Section 45 of the Unlawful Activities (Prevention) Act,1967, has indepently 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 abovaccused; 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 persons for their prosecution under the provisions of law.

Now, therefore, in exercise of 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. Farooq Ahmad Ganie and Sartaj Ahmad Ganie, for the commission of offence punishable under relevant Sections of ULA (P) Act, indicates against each at Para (8) above, arsing out of FIR No. 242/2021 of Police Station, Kulgam.

By order of the Government of Jammu and Kashmir.

(Sd.) R. K. GOYAL, IAS,Financial Commissioner,Additional Chief Secretary,Home Department.