

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.-291.ô Whereas, on 15-12-2021, a tip-off was received by the Police Station, Qaimoh, regarding hiding of unknown terrorists in the house of one Muzaffar Ahmad Dar S/o Wali Mohd Dar R/o Redwani Bala, conspiracy to carry out any terror activities in the area. Subsequently, a joint Cordon and search operation was launched by the Police/Security Forces. During the Search, the hiding terrorists fired indiscriminnately 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. 105/2021, under section 307 IPC, 7/27 Arms Act, 16, 18, 19 of ULA (P) Act, was registered in Police Station, Qaimoh and the investigation, of the case was taken up. Subsequently, during the investigation, Section 20 of ULA (P) Act was added in the case; and
- 3. Whereas, during the investigation, the dead bodies of two terrorists of LeT banned outfit, later identified, as Adil Yousuf S/o Mohd Yousuf Shan R/o Sudsnoo, Yaripora and Amir Bashir Dar S/o Bashir Ahmad Dar R/o Kujjar, Frisal, were recovered from the encounter site along with arms/ammunition i. e. 02 Pistol with Magazine, 07 Live rounds, 02 Pouch and 03 Empty Cartridges of Pistol; and
- 4. 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
- 5. Whereas, during the further investigation, the accused house owner viz. Muzaffar Ahmad Dar, was arrested in the case and it was established during investigation that on 14-12-2021, the accused house owner, in furtherance of a criminal conspiracy voluntarily harboured both the killed terrorists viz. Adil Yousuf Shah and Amir Bashir Dar and knowingly facilitated the commission of the terrorist act committed on 17-11-2021; and
- 6. Whereas, the accused terrorists viz. Adil Yousuf Shan and Amir Bashir Dar have been killed in the said encounter and the proceedings under the law would abate against them; 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 for the commission of offences punishable under sections of the Unlawful Activities (Prevention) Act, 1967, as shown against his name :ô
- Muzaffar Ahmad Dar S/o Wali Mohd
 Dar R/o Redwani Bala, Qaimoh
 ULA(P) Act

- 8. 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
- 9. 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 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. Muzaffar Ahmad Dar for the commission of offence punishable under Sections 18 and 19 of ULA (P) Act arising out of FIR No. 105/2021 of Police Station, Qaimoh.

By order of the Government of Jammu and Kashmir.

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