

THE

JAMMU AND KASHMIR OFFICIAL GAZETTE

PART I—B

Jammu and Kashmir Government-Notifications.

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GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HOME DEPARTMENT

Notification

Srinagar, the 21st June, 2022.

SO-297.66Whereas, on 10-11-2020, a tip-off was received by Police Station, Shopian regarding movement of terrorists in the Village Kutpora, Shopian. Subsequently, a Joint Cordon and Search Operation was launched by the Police/Security Forces. During the search, the terrorists hiding in the residential house of one Shahnawaz Ahmad Lone S/o Mohd Sarwar Lone R/o Kutpora, fired indiscriminately upon the search party with their illegally acquired arms/ammunition, with the intention to kill them. The fire was retaliated and two terrorists got killed ; and 2. Whereas, based on the above, a Case FIR No. 313/2020 under sections 307 IPC, 7/27 Arms Act, 16, 19, 20, 38, 39 of ULA (P) Act, was registered in the Police Station, Shopian and the investigation of the case was taken up. Subsequently, during the investigation, Section 38 of ULA (P) Act was dropped and Section 18 of ULA (P) Act was added in the case ; and

3. Whereas, during the investigation, the dead body of two terrorists were recovered from the encounter site who were later identified as Irfan Ahmad Thoker S/o Mohammad Ishaq Thoker R/o Kutpora, Shopian and Umer Mushtaq S/o Mushtaq Ahmad Lone R/o Nadigam, Shopian and during search, arms/ammunition viz. 01-AK-47 rifle, 04 AK Magazines, 67 AK rounds, 01 Pistol with 02 Magazine, 06 rounds and 01 UBGL were recovered from the possession of killed terrorists ; 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 investigation, the accused house owner viz. Shahnawaz Ahmad Lone was arrested in the case and during investigation, six other accused namely Mujeeb Ahmad Lone S/o Gh. Mohi-ud-Din Lone, Shahid Skinder Lone S/o Mujeeb Ahmad Lone, Azad Ahmad Magray S/o Bashir Ahmad Magray, Rayees Ahmad Malik S/o Bashir Ahmad Malik, Owais Hamid Dar S/o Ab. Hamid Dar and Shahid Rafiq Wani S/o Rafiq Ahmad Wani Residents of Kutpora, Shopian were found involved in the case. Subsequently, all the above accused were arrested in the case ; and

6. Whereas, during the further investigation, it was established that the accused viz. Mujeeb Ahmad Lone, Shahid Skinder Lone, Azad Ahmad Magray, Rayees Ahmad Malik, Owais Hamid Dar and Shahid Rafiq Wani were working as Over Ground Workers (OGWs) for the terrorists and were providing shelter/logistic support to them, besides, on 09-11-2020, concealed the killed terrorists in the house of accused viz. Shahnawaz Ahmad Lone who under a well knit criminal conspiracy voluntarily harboured the above terrorists in his residential house for carrying out the terrorist activities ; and 7. Whereas, the terrorists viz. Irfan Ahmad Thoker and Umer Mushtaq Lone have been killed in the said encounter and proceedings under law would abate against them ; 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 sections of the Unlawful Activities (Prevention) Act, 1967, as shown against their name :ô

S. Name of the accused Offence No.

| 1. Mujeeb Ahmad Lone S/o Gh. Mohi-ud-Din | 18, 39 of |
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| Lone R/o Kutpora, Shopian. | ULA(P) Act. |

- 2. Shahid Skinder S/o Mujeeb Ahmad Lone R/o Kutpora, Shopian.
- 3. Azad Ahmad Magray S/o Bashir Ahmad Magray R/o Kutpora, Shopian.
- Rayees Ahmad Malik S/o Bashir Ahmad Malik R/o Kutpora, Shopian.
- 5. Owais Hamid Dar S/o Ab. Hamid Dar R/o Kutpora, Shopian.
- 6. Shahid Rafiq Wani S/o Rafiq Ahmad Wani R/o Kutpora, Shopian.
- 7. Shahnawaz Ahmad Lone S/o Mohd18, 19 ofSarwar Lone R/o Kutpora, Shopian.ULA(P) Act.

9. Whereas, the accused viz. Shahid Rafiq Wani, 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

10. 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

11. 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 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. Mujeeb Ahmad Lone, Shahid Skinder Lone, Azad Ahmad Magray, Rayees Ahmad Malik, Owais Hamid Dar and Shahnawz Ahmad Lone for the commission of offences punishable under the relevant sections of ULA (P) Act, indicated against each at Para (8) above, arising out of FIR No. 313/2020 of Police Station, Shopian.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.