

EXTRAORDINARY

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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.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIATô HOME DEPARTMENT

Notification

Srinagar, the 21st June, 2022.

SO-298.ôôWhereas, on 17-11-2021, the Police Station, Pattan, received a written docket to the effect that some unknown terrorists lobbed a hand grenade upon the Security Forces deployed for Naka duties at Palhallan Chowk, resulting in injuries to 02 CRPF personnel and 04 civilians. The injured CRPF personnel and civilians were shifted to a local hospital for treatment ; and

[illegible]

2. Accordingly, upon the, a Case FIR No. 327/2021 under sections 7/27 Arms Act, 307 IPC, 16, 20 of ULA (P) Act came to be registered in Police Station, Pattan and the investigation of the case was taken up. Subsequently, during the investigation Sections 17, 18, 23 of ULA (P) Act, 120-B IPC, 7/25 Arms 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, three persons identified as Asif Nisar Reshi S/o Nisar Ahmad Reshi, Mehraj-ud-Din Dar S/o Sonaullah Dar and Fasil Habib Lone S/o Habibullah Lone Residents of Gund Jahangir, Hajin, were arrested by a Joint Naka Checking Party on 02-12-2021 at Raipora, Palhallan, who were found involved in the commission of terrorist act on 17-11-2021. During questioning, 02 hand grenades were recovered at the instances of the above accused ; and

5. Whereas, during the further investigation, it was found that the hand grenades were provided to the accused viz. Asif Nisar Reshi S/o Nisar Ahmad Reshi Mehraj-ud-Din Dar and Fasil Habib Lone by another accused namely, Mohammad Afzal Lone S/o Mohd Yousuf Lone R/o Bathipora, Hajin. Subsequently, the said accused was arrested in the case and during the investigation, 02 hand grenades were recovered from him ; and

6. Whereas, during the investigation, it was found that the accused viz. Mohammad Afzal Lone, offered an amount of Rs. 50,000/- to the accused viz. Mehraj-ud-Din Dar, for lobbying the grenade on the Security Forces and paid an amount of Rs. 1000/- to him in advance. The amount was also distributed amongst the other accused for the promotion of terror activities in the area ; and

7. Whereas, during the investigation, it was established that the accused viz. Asif Nisar Reshi, Mehraj-ud-Din Dar, Fasil Habib Lone and Mohammad Afzal Lone, were terrorists of LeT/TRF banned outfit and under a knit conspiracy acquired the hand grenades from an unknown person, besides, on 17-11-2021, the accused viz. Asif Nisar Reshi,

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 Mehraj-ud-Din Dar and Fasil Habib Lone, hurled a hand grenade upon
 the Naka Party at Palhallan Chowk on 17-11-2021, which resulted in
 injuries to some CRPF Personnel/Civilians, besides raised funds for
 promoting of terror activities in the area ; 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 :

S. No.	Name of the accused	Offences
1.	Asif Nisar Reshi S/o Nisar Ahmad Reshi R/o Gund Jahangir, Hajin.	16, 17, 18, 20, 23 of ULA(P) Act.
2.	Mehraj-ud-Din Dar S/o Sonaullah Dar R/o Gund Jahangir, Hajin.	
3.	Fasil Habib Lone S/o Habibullah Lone R/o Gund Jahangir, Hajin.	
4.	Mohammad Afzal Lone S/o Mohd Yousuf Lone R/o Bathipora, Naidkhal, Hajin.	

9. Whereas, during the investigation, accused viz. Faisal Habib Lone
 has been found juvenile 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, as opined by Department of Law, Justice and Parliamentary
 Affairs vide UO No. Law-Opn2/10/2021-10 dated 28-06-2021 ; 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
 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

11. Whereas, after perusing the Case Diary File, the relevant
 documents and also taking into consideration the views of the Authority

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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. Asif Nisar Reshi, Mehraj-ud-Din Dar
and Mohammad Afzal Lone, for the commission of offences punishable
under sections 16, 17, 18, 20 and 23 of ULA (P) Act, arising out of
FIR No. 327/2021 of Police Station, Pattan.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/
Additional Chief Secretary.