

REGD. NO. JK6633



Vol. 135] Jammu, Thu., the 23rd June, 2022/2nd Asad., 1944. [No. 12-c
Separate paging is given to this part in order that it may be filed
as a separate compilation.

Jammu and Kashmir Government—Notifications.

Notification

S.O.6309.6 Whereas, on 29-12-2021, a tip-off was received by the Police Station, Dooru, regarding presence of unknown terrorists in the residential house of one Ab. Rashid Rather S/o Mohd Subhan Rather R/o Nowgam, Verinag, conspiring to carry out terrorist acts in the area. Subsequently, a joint Cordon and search operation was launched by the Police/Security Forces and during the Search, the hiding terrorists fired indiscriminately upon the Search Party with their illegally acquired arms/ammunition with the intention to kill them, resulting in injuries to

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03 Army personnel and a Police Person. The fire was retaliated, by the
Search Party, triggering an encounter ; and

2. Whereas, based on the above, a Case FIR No. 138/2021
under sections 307 IPC, 7/27 Arms Act, 16, 18, 19, 20, 39 of ULA (P)
Act, was registered in the Police Station, Dooru and the investigation,
of the case was taken up. Subsequently, during the investigation, one
of the injured Army personnel succumbed to his injuries. Subsequently,
Sections 302, 324, 326 IPC, Section 23 ULA (P) Act, and 7/25 Arms
Act, were added in the case ; and

3. Whereas, during the investigation, the dead bodies of three
terrorists of HM/LeT banned outfit, later identified as Mohd Altaf Shah
S/o Gh. Mohd Shah R/o Nathipora, Nowgam, Sameer Ahmad Dar
S/o Mohd Subhan Dar R/o Gundibagh, Pulwama and a foreign terrorist
whose identity could not be ascertained, were recovered from the
encounter site along with arms/ammunition i. e. 02 AK-47 rifles, 01 M4
rifle, 01 Chinese Pistol, 02 AK Magazines, 07M4 Magazines, 02 Pistol
Magazines, 03 Hand Grenades, 30 AK rounds, 107 M4 rounds, 15 Pistol
rounds and 01 Pouch ; 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. Ab. Rashid Rather R/o Nowgam, Verinag was arrested in
the case and during the investigation 01 AK rifle, 03 Hand Grenades
and a pouch were recovered from his residential house. The said arms/
ammunition was obtained by the accused viz. Ab. Rashid Rather from
the killed terrorist namely Mohd Altaf Shah to promote terrorist activities
in the area ; and

6. Whereas, during the investigation, it was established that the
accused house owner viz. Ab. Rashid Rather, was working as Over
Ground Worker (OGW) for the terrorists of LeT banned outfit and was
providing logistic support to them. The accused was voluntarily
harbouring the terrorists particularly the killed terrorist viz. Mohd Altaf

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Shah, Sameer Ahmad Dar and a unidentified foreign terrorist, besides,
under a well knit criminal conspiracy obtained arms/ammunition from
the killed terrorist viz. Mohd Altaf Shah for promoting terrorist activities
in the area ; and

7. Whereas, the accused terrorists viz. Mohd Altaf Shah, Sameer Ahmad Dar and unidentified foreign terrorist have been killed in the said encounter and the proceedings under the 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 *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

S.No.	Name of the accused	Offence
1.	Ab. Rashid Rather S/o Mohd Subhan Rather R/o Nowgam, Verinag.	18, 19, 23, 39 ULA (P) Act

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

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 against the accused viz. Ab. Rashid Rather S/o Mohd Subhan Rather
 R/o Nowgam, Verinag, for the commission of offences punishable
 under Sections 18, 19, 23 and 39 of ULA(P) Act, arising out of
 FIR No. 138/2021 of Police Station, Dooru.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/Additional Chief Secretary.