

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, J&K

Notification

Srinagar, the 29th June, 2022.

SO-317.66Whereas, on 30-04-2021, the Police Station, Achabal received a docket to the effect that a person namely, Basit Rashid Ganie S/o Ab. Rashid Ganie R/o Audsoo, Achabal, who went missing from his home with effect from 18-04-2021, had joined the terrorist ranks, for carrying out the terrorist activities; and

- 2. Whereas, based on the above, a Case FIR No. 35/2021 under Section 38 of ULA (P) Act, was registered in the Police Station, Achabal and the investigation of the case was taken up. Subsequently, during the investigation, Section 7/25 Arms Act, Sections 13, 18, 18-B, 23 and 39 of ULA (P) 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, it was found that the accused viz. Basit Rashid Dar, was motivated by two persons namely, Muzamil Gulzar Wani S/o Gulzar Ahmad Wani R/o Nowgam, Shangus and Asif Ahmad Khanday S/o Bashir Ahmad Khanday R/o Dehruna, to join the terrorist ranks of HM banned outfit. Subsequently, both the above accused were arrested in the case and during the investigation, 02 Pakistani Flags, 02 Pistol rounds and 15 Posters of banned HM outfit were recovered at the instances of the accused viz. Muzamil Gulzar Wani and 14 posters of HM banned outfit were recovered at the instances of the accused viz. Asif Ahmad Khanday; and
- 5. Whereas, during the further investigation, it was established that the accused viz. Muzamil Gulzar Wani and Asif Ahmad Khanday, were working as Over Ground Workers (OGWs) for the terrortsts of HM banned outfit and under a well knit criminal conspiracy motivated and facilitated the joining, of accused viz. Basit Rashid Ganie, with the terrorist ranks of HM banned outfit in order to promote terrorist activities in the area; and
- 6. Whereas, the terrorist viz. Basit Rashid Ganie, has been killed in an encounter with the Security Forces and the proceedings under the law would abate against him; 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

S. Name of the accused Offence No.

- Muzamil Gulzar Wani S/o Gulzar
 Ahmad Wani R/o Nowgam, Shangus.
 13, 18, 18-B, 23,
 39 of ULA (P) Act.
- 2. Asif Ahmad Khanday S/o Bashir Ahmad 13, 18, 18-B, 39 Khanday R/o Dehruna. of 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 their prosecution under the provisions of law.

Now, therefore, in exercise of the powers conferred by Sub-Section (2) of Section 45 of the Unlnwful Activities (Prevention) Act, 1967, the Government hereby accord sanction for launching prosecution against the accused viz. Muzamil Gulzar Wani and Asif Ahmad Khanday for the commission of offences punishable under relevant section of ULA (P) Act, indicated against each accused at Para (7) ahove, arising out of FIR No. 35/2021 of Police Station, Achabal.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.