

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 1st July, 2022.

SO-320.66Whereas, on 05-01-2022, the Police Station, Sadder received a docket to the effect that an information was received about the movement of some terrorists of TRF/MUG outfit in the area, equipped with illegal arms/ammunition, to carry out terror attack on the directions of terrorist namely Asif Maqbool Dar (Doctor) S/o Mohammad

- 2. Whereas, during the Naka checking, at Nirman Complex, two suspects while seeing the Naka Party tried to escape but were chased down on the spot and identified as Suhail Qadir Khanday S/o Ghulam Qadir Khanday R/o Amlar, Tral and Suhail Mushtaq Waza S/o Mushtaq Ahmad Waza R/o Neloora, Pulwama and during their personal search, the Police recovered 02 Pistols, 04 Magazines, 60 Rounds and 02 Silencers from their possession respectively; and
- 3. Whereas, based on the above, a Case FIR No. 08/2022 under Sections 18, 23 of ULA (P) Act, 7/25 Arms Act, was registered in the Police Station, Sadder and the investigation of the case was taken up. During the investigation, 02 Pistols, 04 Magazines and 39 Rounds were also recovered at the instances of accused viz. Suhail Qadir Khanday. Subsequently, during the investigation, Sections 13, 20, 38, 39 and 40 of ULA (P) Act were added in the case; 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, 04 other persons namely, Imad Nasir Naikoo S/o Farooq Ahmad Naikoo R/o Kiloora, Shopian, Basit Bilal Makaya S/o Bilal Ahmad Makaya R/o Qamarabad, Qamarwari, Umer Farooq Lone S/o Farooq Ahmad Lone R/o Achabal, Sopore and Adil Muzaffar Dar S/o Muzaffar Ahmad Dar R/o Below Dargund, Pulwama, were found working as Over Ground Workers (OGWs) for the above terrorists namely Suhail Qadir Khanday, Suhail Mushtaq Waza and Asif Maqbool Dar (Doctor). Subsequently, the accused viz. Imad Nasir Naikoo, Basit Bilal Makaya, Umer Farooq Lone and Adil Muzaffar Dar were arrested in the case; and
- 6. Whereas, during the investigation, it was found that the accused viz. Imad Nasir Naikoo and Umer Farooq Lone were studying at Jamia Millia, New Delhi, where they came in contact with accused viz. Adil Muzaffar Dar and on his directions both the accused make video clipping of the NIA Hqrs., New Delhi, Old Railway Station, Jammu and the Police Headquarters, Jammu and send the video clipping to one unknown Afghanistan based terrorist namely Khitab, besides, accused viz. Imad

- 7. Whereas, during the investigation, it was established that the accused viz. Suhail Qadir Khanday, Suhail Mushtaq Waza and Asif Maqbool Dar (Doctor), were members of TRF outfit (an offshoot of LeT banned outfit) and the accused namely, Imad Nasir Naikoo, Basit Bilal Makaya, Umer Farooq Lone and Adil Muzaffar Dar, were working as Over Ground Workers (OGWs) for the terrorists of the TRF outfit particularly terrorists viz. Suhail Qadir Khanday, Suhail Mushtaq Waza and Asif Maqbool Dar (Doctor) and under a well knit criminal conspiracy were providing logistic support to them, besides, the accused viz. Imad Nasir Naikoo, on the directions of terrorist viz. Suhail Qadir Khanday, was distributing the funds among the terrorists and the families of killed terrorists, for furtherance of terrorist activities; and
- 8. Whereas, the investigation in respect of the unknown Afghanistan based terrorist namely Khitab, shall continue to ascertain his identity and to bring out his role/involvement in the case; and
- 9. 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

 Suhail Qadir Khanday S/o Ghulam Qadir Khanday R/o Amlar, Tral. 13, 18, 20, 23, 38, 40 of ULA (P) Act.

2. Suhail Mushtaq Waza S/o Mushtaq Ahmad Waza R/o Neloora, Pulwama.

13, 18, 20, 23, 38 of ULA (P) Act.

3. Imad Nasir Naikoo S/o Farooq Ahmad Naikoo R/o Kiloora, Shopian.

18, 39, 40 of ULA (P) Act.

4. Basit Bilal Makaya S/o Bilal Ahmad Makaya R/o Qamarabad, Qamarwari.

18, 39 of ULA (P) Act.

5. Umer Farooq Lone S/o Farooq Ahmad Lone R/o Achabal, Sopore.

- 6. Adil Muzaffar Dar S/o Muzaffar Ahmad Dar R/o Below Dargund, Pulwama.
- 7. Asif Maqbool Dar (Doctor) S/o 13, 18, 20, 38 Mohammad Maqbool Dar R/o MIG of ULA (P) Act. Colony, H. No. 275, Bemina, Srinagar A/P Saudi Arabia.
- 10. Whereas, the accused viz. Asif Maqbool Dar (Doctor) being the active terrorist is absconding and proceedings under Section 299 Cr. PC, have been proposed to be initiated against him; and
- 11. 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
- 12. 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. Suhail Qadir Khanday, Suhail Mushtaq Waza, Imad Nasir Naikoo, Basit Bilal Makaya, Umer Farooq Lone, Adil Muzaffar Dar and Asif Maqbool Dar (Doctor) for the commission of offences punishable under the relevant sections of ULA (P) Act, indicated against each at Para (9) above, arising out of FIR No. 08/2022 of Police Station, Sadder.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.