

JAMMU AND KASHMIR OFFICIAL GAZETTE

PART I—B

Jammu and Kashmir Government—Notifications

GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HOME DEPARTMENT

Notification

Jammu, the 7th July, 2022.

S.O.-326.ô Whereas, on 30-12-2021, a tip-off was received by Police Station, Panthachowk, regarding the hiding of some unknown terrorists in Gamander, Panthachowck, equipped with illegal arms/ammunition, cospiring to carry out terrorist activities in the area. Subsequently, joint Cordon and search Operation was launched by the Police/Security Forces in the area: and

- 2. Whereas, based on the above, a case FIR No. 132/2021 under section 7/25 Arms Act, 120-B IPC, Section 13, 18 of ULA(P) Act, was registered in the Police Station Panthachowk, and the investigation of the case was taken up; and
- 3. Whereas, during the search Operation, the hiding terrorists fired indiscriminately upon the Search Party with their illegaly equipped arms/amunition with the intention to kill them. The fiire was retaliated and during the encounter three terrorists got killed. Later on, one killed terrorist was identified as, Suhail Ahmad Rather S/o Gh. Mohammad Rather R/o Zafran Colony, Panthachowk, and two other killed terrorists could not be identified. During the Search Operation, arms/ammunition i. e. 03 AK rifles with 07 Magazines, 78 rounds and 03 Hand Grenades were recovered from the encounter site; and
- 4. Whereas, during the course of investigation, the site plan of the place of occurrence and seizure memos were prepared and statement of witnesses acquainted with the facts and circumstances of the case were recorded under the relevant provisions of law. Subsequently, during the investigation, section 307 IPC, 16, 19 and 20 of ULA (P) Act and section 7/25 Arms Act were added in the case; and
- 5. Whereas, during the investigation, it was found that on 30-12-2021, the terriorists were hiding in the residential house of one Mohammad Ashraf Baba S/o Late Abdul Aziz Babas R/o Gamander, Panthachowk, Subsequently, the accused was arrested in the case and it was established that on the date of occurrence, the accused viz Mohammad Ashraf Baba, under a well knit criminal conspiracy voluntarily harboured the above killed terrorists in his residential house and provided food/other logistic support to them for carrying out the terrorist activities; and
- 6. Whereas, the accused terrorists naamely, Suhail Ahmad Rather and two unidentified foreign terrorists got killed in the said encounter with the Security Forces and the proceedings under law would abate against them; and
- 7. Whereas, on the basis of investigation, statements of witnesses recorded and other evidence collected, the Investigating Officer has established *prima facie* involvement of below mentioned accused for

- 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 relevent documents relating to the case and has come to the conclusion that *prima facie* case is made out against the above accused; and
- 8. 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 this prosecution under the provisions of Law.

Now, therefore, in the 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. Mohammad Ashraf Baba, for the commission of offences punishable under section 13, 18 and 19 of Unlawful Activities (Prevention) Act, 1967, arising out of FIR No. 132/2021 of Police Station, Panthachowk.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary, Home Department.