

EXTRAORDINARY

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as a separate compilation.

PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT& HOME DEPARTMENT

Notification

Srinagar, the 5th August, 2022.

S.O.361.& Whereas, on 11-02-2022, the Police Station, Dangiwacha. received a docket to the effect that a reliable information was received regarding presence of some terrorists of Al Badr banned outfit in the Village Rawoocha, Pethpora, equipped with illegal arms/ammunition conspiring to carry out terrorist act. Subsequently, a Joint Cordon and Search Operation was launched and during the search, three terrorists identified as Waris Kamran Tantray S/o Ab. Lateef Tantray

2 The J&K Official Gazette, 5th August, 2022/14th Srav., 1944. [No. 18-d
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R/o Rawoocha, Rafiabad, Amir Sultan Wani S/o Mohd Sultan Wani
R/o Nowpora, Sopore and Tariq Ahmad Bhat S/o Sonullah Bhat R/o
Chontipora, Handwara, were arrested on the spot. During their personal
search, the Police recovered 02 Pistols with Magazines, 37 PISTAL rounds
and 01 AK-47 rifle with Magazine and 30 rounds from their possession
respectively ; and

2. Whereas, based on the above, a Case FIR No. 14/2022 under
Sections 7/25 Arms Act, 16, 18, 20, 38 of ULA (P) Act, was registered
in the Police Station, Dangiawacha, and the investigation of the case was
taken up. Subsequently, during the investigation Sections 17, 18-B, 23
and 39 of ULA (P) Act, were added and Section 16 of ULA (P) Act,
was dropped from the case ; and

3. Whereas, during the course of investigation, the site plan of
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, the accused viz Waris
Kamran Tantray, Amir Sultan Wani and Tariq Ahmad Bhat, were found
in contact with three PoK based terrorists of Al-Badr banned outfit
namely, Yousuf Balooch R/o Pakistan, Furqan R/o Handwara A/P PoK
and Zaffar Hussain Bhat @ Khursheed S/o Sonaulah Bhat R/o Zagund
Liver, Srignufwara, Anantnag. The PoK terrorist viz. Yousuf Balooch,
sent an amount of Rs. 8 Lakhs to the accused viz. Waris Kamran
Tantray, through an unknown person and also sent an amount of
Rs. 3,97,000/- to him through one Ashraf Nazir Bhat S/o Nazir Ahmad
Bhat R/o Arin, Bandipora, for procurement of arms/ammunition. The
accused viz Waris Kamran Tantray, handed over Rs. 8 Lakhs to his
associate viz Tariq Ahmad Bhat and Rs. 4 Lakhs to accused viz Ashraf
Nazir Bhat for procurement of arms/ammunition ; and

5. Whereas, the accused viz Ashraf Nazir Bhat, procured arms/
ammunition from an unknown person from Lolab and handed over to
the accused viz Waris Kamran Tantray and kept 1 Pistol with Magazine
and 6 rounds in his possession. Subsequently, the said accused was
arrested in the case and arms/ammunition i.e. 1 Pistol with Magazine
and 6 rounds were recovered at his instance ; and

No. 18-d] The J&K Official Gazette, 5th August, 2022/14th Srav., 1944. 3
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6. Whereas, the accused viz. Tariq Ahmad Bhat, motivated three persons namely Mohammad Ashraf Malik S/o Mohammad Akbar Malik R/o Drangso, Handwara, Shabir Ahmad Shah S/o Gh. Hussan Shah R/o Sherhama, Mawer, Handwara and Mohammad Afzal Thoker S/o Ab. Aziz Thoker R/o Qalamabad, Handwara, for procuring of arms/ammunition and provided an amount of Rs. 4 lakhs to them. The above three accused procured arms/ammunition from Lolab area from an unknown person. Subsequently, all the three accused were arrested and during investigation the said arms/ammunition viz. 1 UBGL with 2 UBGL grenades, 2 Hand grenades and an amount of Rs. 1,86,500/- were recovered from their instances. During the investigation, an amount of Rs. 2 Lakhs was also recovered at the instance of accused viz Tariq Ahmad Bhat ; and

7. Whereas, during the investigation, it was found that the accused viz. Amir Sultan Wani, alongwith two unknown persons also procured arms/ammunition from an unknown person at Sopore and handed over the same to active terrorist of Al-Badr banned outfit namely, Mohammad Rafi Lone S/o Gh. Mohammad Lone R/o Nathipora, Bomai. The said terrorist was motivating youth of the area to join the terrorist ranks and to lob the grenades upon the Police/Security Forces in the area ; and

8. Whereas, during the investigation, it was established that the accused viz. Waris Kamran Tantray, Amir Sultan Wani and Tariq Ahmad Bhat, were members of Al-Badr banned outfit. The PoK based terrorists viz. Yousuf Balooch. Furqan and Zaffar Hussain @ Kursheed motivated and provided arms/ammunition to them and under a well knit criminal conspiracy were raising funds for the terrorist outfit. The other accused namely, Ashraf Nazir Bhat, Mohammad Ashraf Malik, Shabir Ahmad Shah and Mohammad Afzal Thoker, were working as OGWs for the above terrorists and were providing logistic support to them, besides, under a well knit criminal conspiracy were facilitating the transportation of arms/ammunition from one place to another, besides, were raising funds for the terrorist outfit for carrying out the terrorist activities. The accused namely, Mohammad Rafi Lone, was motivating youth of the Sopore area to join the Al-Badr banned outfit and after receiving funds from his handlers was distributing the same among the youth for hurling grenades upon the Police/Security Forces in the Sopore area ; and

No. 18-d] The J&K Official Gazette, 5th August, 2022/14th Srav., 1944. 5
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11. Whereas, the accused viz. Yousuf Balooch. Furqan, Zaffer Hussain Bhat @ Khursheed and Mohammad Rafi Lone being the active terrorists are absconding against whom proceedings U/S 299 Cr.P.C have been proposed to be initiated ; and

12. 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

13.. 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 ULA (P) Act, 1967, the Government hereby accord sanction for launching prosecution against the above accused viz. Waris Kamran Tantaray, Amir Sultan Wani, Tariq Ahmad Bhat Yousuf Balooch, Furqan, Zaffar Hussain Bhat @ Khursheed, Ashraf Nazir Bhat, Mohammad Ashraf Malik, Shabir Ahmad Shah, Mohammad Afzal Thoker and Mohammad Rafi Lone, for the commission of offences punishable under relevant sections of ULA (P) Act, indicated against each at Para (10) above, arising out of FIR No. 14/2022 of Police Station, Dangiwachha.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/
Additional Chief Secretary.