

THE JAMMU AND KASHMIR OFFICIAL GAZETTE

PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HOME DEPARTMENT

Notification

Srinagar, the 12th of August, 2022.

S.O.6373.ô Whereas, on 29-01-2022, the Police Station, Pulwama, received a docket to the effect that an information was received regarding presence of some unknown terrorists in Village Naira, Pulwama. Subsequently, a joint Cordon and Search Operation was launched by the Police/Security Forces and during the search the terrorists hiding in the residential house of one Gh. Qadir Mir S/o Gh. Mohi-ud-Din Mir R/o Naira Pulwama, fired indiscriminately upon the search party with their illegal arms/ammunition, with the intention to kill them. The fire was retaliated, triggering an encounter; and

- 2. Whereas, based on the above, a Case FIR No. 18/2022 under Sections 307 IPC, 7/27 Arms Act, Sections 16, 18, 19, 20, 38 of ULA (P) Act, was registered in the Police Station, Pulwama and the Investigation of the case was taken up. Subsequently, during the investigation Section 38 of ULA (P) Act, was dropped and Section 39 of ULA (P) Act, was added in the case; and
- 3. Whereas, during the investigation, dead bodies of 04 terrorists of JeM banned outfit were recovered from the encounter site, who were later on identified as Zahid Ahmad Wani S/o Manzoor Ahmad Wani R/o Kareemabad, Kafeel @ Chotu R/o Pakistan, Waheed Ahmad Reshi S/o Gh. Mohammad Reshi R/o Marval and Anayetullah Mir S/o Gh. Qadir Mir R/o Naira, Pulwama. During the search, arms/ammunition viz. 02 AK-56 rifles, 05 Magazines, 167 rounds, 01 Carbine M4, 06 Magazines, 173 rounds, 01 Pistol with 02 Magazines and 08 rounds were recovered from the encounter site; and
- 4. Whereas, the course of investigation, the site plan of place of occurence and the seizure memo of recovered arms/ammunition were prepared and the statement 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, it was found that the house owners son namely Naveed Hussain Mir, was in contact with the terrorists of JeM banned outfit. Subsequently, the accused was arrested in the case and it was established that he was working as Over Ground Worker (OGW) for the terrorists of JeM banned outfit particularly terrorists viz. Zahid Ahmad Wani, Kafeel @ Chotu, Waheed Ahmad Reshi and Anayetullah Mir, and was providing logistic support to them, besides, under a well knit criminal conspiracy voluntarily harboured the above terrorists in his residential house on the date of occurrence, for carrying out the terrorist activities in the area; and
- 6. Whereas, the terrorists namely Zahid Ahmad Wani, Kafeel @ Chotu, Waheed Ahmad Reshi and Anayetullah Mir, have been killed in the said encounter and the proceedings under the law would abate against them; 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 the Unlawful Activities (Prevention) Act, 1967, as shown against his name :ô

	S.No.				Name of the accused															Offence								
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	1. Naveed Hussain Mir S/o Gh. Qadir														18, 19, 39													
				Mir R/o Naira, Pulwama														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 Unlawful Activities (Prevention) Act, 1967, the Government hereby accord sanction for launching prosecution against the above accused viz. Naveed Hussain Mir, for the commission of offences punishable under Sections 18, 19 and 39 of ULA (P) Act, arising out of FIR No. 18/2022 of Police Station, Pulwama.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/Additional Chief Secretary.