

THE JAMMU AND KASHMIR OFFICIAL GAZETTE

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HOME DEPARTMENT, J&K

Notification

Srinagar, the 12th August, 2022.

SOó377.ô Whereas, on 06-01-2019, the Police Station, Handwara, received a docket to the effect that a joint naka was established by the Police/Security Forces at Pohru Nala, Opposite FCI, Kulangam. During the Naka checking two persons while seeing the Naka Party tried to escape but were chased down on the spot and apprehended and later on identified as Azhar-ud-Din Lone S/o Mohammad Ismail Lone R/o Wahipora, Unisoo, and Nazar Mohammad Sheikh S/o Gh. Mohammad Sheikh R/o Zaloora, Sopore. During their personal search, the Police recovered 01 AK-47 Rifle, 02 AK Magazines, 121 AK Rounds and 03 Live Hand Grenades from their possession respectively ; and

2. Whereas, based on the above, a Case FIR No. 05/2019 under Sections 7/25 Arms Act, was registered in the Police Station, Handwara and the investigation of the case was taken up. Subsequently, during the investigation, Sections 18 and 20 of ULA (P) Act, were added in the case ; and

3. Whereas, during the course of 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, the accused viz. Azhar-ud-Din Lone and Nazar Mohammad Sheikh, were found in contact with two PoK based terrorists of LeT banned outfit namely Abu Maaz and Abu Kabla who motivated both the accused viz. Azhar-ud-Din Lone and Nazar Mohammad Sheikh, to join the LeT banned outfit and provided arms/ammunition to them for carrying out the terrorists activities ; and

5. Whereas, during the investigation, it was established that the accused viz. Azhar-ud-Din Lone and Nazar Mohammad Sheikh, were members of LeT banned outfit and under a well knit criminal conspiracy procured arms/ammunition from two PoK based terrorists namely Abu Maaz and Abu Kabla, for carrying out the terrorists activities in the area ; and

6. Whereas, the accused terrorists namely Abu Maaz and Abu Kabla, were killed in the different encounters 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 : \hat{o}

S.No.	Name of accused	Offence
ô ô ô 1.	ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô Azhar-ud-Din Lone S/o Mohammad Ismail Lone R/o Wahipora, Unisoo	 ô ô ô ô ô ô ô ô ô ô 18, 20 of ULA (P) Act.
2.	Nazar Mohammad Sheikh S/o Gh. Mohammad Sheikh R/o Zaloora, Sopore.	

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 accused viz. Azhar-ud-Din Lone and Nazar Mohammad Sheikh, for the commission of offences punishable under Sections 18 and 20 of ULA (P) Act, arising out of FIR No. 05/2019 of Police Station, Handwara.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.