

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a
separate compilation.

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 17th August, 2022.

SO-384.ôôWhereas, on 27-07-2010, the Police Station, JIC, Jammu, received a written letter to the effect that the verification with regard to misuse of SIM card bearing Mobile No. 9906068834, was conducted and during verification it was found that the said SIM card was registered on the name of one lady Mst. Haleema W/o Nazir Ahmad Wachkoo R/o Iqbal Colony, Old Bus Stand, Bhaderwah. The said SIM card was

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being used by her son namely Amir Nazir, who gave the SIM card to
his friend namely Mohd Sharief Malik S/o Ab. Rasheed Malik R/o Malna
Jojote, Doda and the said person has provided the SIM card to the
terrorist of HM banned outfit namely Abdul Rashid @ Arsalan. The said
terrorist is misusing the said SIM for carrying out the terrorists activities
in the area ; and

2. Whereas, based on the above, a Case FIR No. 06/2010 under
Sections 420, 406, 109 RPC was registered in Police Station, JIC, Jammu
and the investigation of the case was taken up. Subsequently, during
the investigation, Sections 13, 18, 18-B, 20 and 38 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, it was established that the
accused viz. Sartaj Ahmad Malik @ Dr. Sohail and Abdul Rashid Sheikh
@ Arsalan, were members of HM banned outfit and in the month of
April, 2009, forcibly entered in the house of Mohd Sharief Malik and
took away his mobile phone along with the SIM card and threatened
him to join the terrorist ranks, besides, under a well knit criminal
conspiracy were threatened the general public through the said SIM card
for providing funds for the HM outfit, for carrying out the terrorist
activities in the area ; and

5. Whereas, the accused terrorist viz. Sartaj Ahmad Malik @
Dr. Sohail has been killed in an encounter with the Security Forces in
the year 2009 and the proceedings under the law would abate against
him and the other accused terrorist viz. Abdul Rashid Sheikh @ Arsalan
was arrested by Anantnag Police in case FIR No. 137/2010 of Police
Station, Kokernag and later on was released by the Honøble Court.
Subsequently, the said accused has been arrested in the instant
case ; and

6. 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

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accused for the commission of offences punishable under sections of
the Unlawful Activities (Prevention) Act, 1967, as shown against his
name :

S. No.	Name of the accused	Offence
1.	Abdul Rashid Sheikh @ Arsalan S/o Abdul Gani Sheikh R/o Tantna A/P Ghat, Doda.	13, 18, 18-B, 20, 38 of ULA (P) Act.

7. 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

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 his prosecution under the provisions of law.

Now, therefore, in exercise of the powers conferred by Sub-Section (2) or Section 45 of the Unlawful Activities (Prevention) Act, 1967, the Government hereby accord sanction for launching prosecution against the accused viz. Abdul Rashid Sheikh @ Arsalan, for the commission of offences punishable under Sections 13, 18, 18-B, 20 and 38 of ULA (P) Act, arising out of FIR No. 06/2010 of Police Station, JIC, Jammu.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/
Additional Chief Secretary.