

THE

JAMMU AND KASHMIR OFFICIAL GAZETTE

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 18th August, 2022.

SO-387.66Whereas, on 03-01-2011, a tip off was received by the Police Station, Anantnag, to the effect that two members of Tehreek-e-Hurriyat, namely, Gh. Mohi-ud-Din Sheikh @ Mohi-ud-Din Master S/o Gh. Rasool Sheikh R/o Nai Basti, KP Road, Anantnag and Mohammad Yousuf Makroo S/o Mohd Shaban Makroo R/o Arwani, were distributing among the general public the yearly calendars and diaries for the year 2011, published by Tehreek-e-Hurriyat headed by Syed Ali Shah Geelani, containing some postscripts/punctuates, which are provocative and with the intention to incite general public to disrupt the sovereignty and territorial integrity of the country; and

- 2. Whereas, based on the above, a Case FIR No. 05/2011 under Section 13 (1) (b) of ULA (P) Act was registered in the Police Station, Anantnag and the investigation of the case was set into motion; and
- 3. Whereas, during the investigation, both the accused viz Gh. Mohi-ud-Din Sheikh @ Mohi-ud-Din Master and Mohammad Yousuf Makroo, were arrested in the case and during the investigation, some diaries/calendars of Tehreek-e-Hurriyat, were recovered at their instances; and
- 4. Whereas, during the course of investigation, the seizure memos 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 established that the accused viz. Gh. Mohi-ud-Din Sheikh @ Mohi-ud-Din Master and Mohammad Yousuf Makroo, were members of Tehreek-e-Hurriyat and on the date of occurrence were distributing the diaries/calendars published by the accused namely Syed Ali Shah Geelani, Chairman, Tehreek-e-Hurriyat, in order to provoke the general public against the integrity and sovereignty of the country; and
- 6. Whereas, the accused namely Syed Ali Shah Geelani, Chairman, Tehreek-e-Hurriyat, has expired and the proceedings under the law would abate against him; 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 their name :ô
- - Master S/o Gh. Rasool Sheikh R/o
 Nai Basti, KP Road, Anantnag.

2. Mohammad Yousuf Makroo

S/o Mohammad Shaban Makroo

13 of ULA(P) Act.

R/o Arwani, Bijbehara.

- 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 his 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. Gh. Mohi-ud-Din Sheikh @ Mohiud-Din Master and Mohammad Yousuf Makroo, for the commission of offences punishable under section 13 of ULA (P) Act, arising out of FIR No. 05/2011 of Police Station, Anantnag.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.