

THE JAMMU AND KASHMIR OFFICIAL GAZETTE

Jammu and Kashmir Government-Notifications.

GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HOME DEPARTMENT

Notification

Srinagar, the 30th August, 2022.

S.O.-411.ô Whereas, on 04-03-2022, Police Station, Shopian, received a docket to the effect that a Joint Naka was established at Village Khudpora. During the checking, three persons while seeing the Naka Party tried to escape but were chased down on the spot and identified as Ishfaq Ahmad Dar S/o Mohd Yaseen Dar R/o Gadapor, Shopian, Nadeem Rafiq Rather S/o Mohd Rafiq Rather R/o Kilbal and

2. Whereas, based on the above, a Case FIR No. 19/2022 under Sections7/25 Arms Act, Section 16, 18, 23, 38 of ULA (P) Act, was registered in the Police Station, Shopian and the investigation of the case was taken up. Subsequently, during the investigation, Section 16 of ULA (P) Act, was dropped and Section 20 and 39 of ULA (P) Act were added in the case ; and 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 satatements 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. Ishfaq Ahmad Dar, Nadeem Rafiq Rather and Rouf Mushtaq Najar, were found working for the terrorists of LeT banned outfit and were in contact with an active terrorist of the outfit namely, Danish Khurshid Bhat S/o Khurshid Ahmad Bhat R/o Laddi, Imamsahib, Shopian, who provided the said arms/ammunition to the accused for promoting terrorist activities in the area ; and

5. Whereas, during the investigation, it was established that the accused namely, viz. Ishfaq Ahmad Dar, Nadeem Rafiq Rather and Rouf Mushtaq Najar, were working as Over Ground Workers (OGWs) for the terrorists of LeT banned outfit particulary terrorist namely Danish Khurshid Lone, and were providing logistic support to him, besides, under a well kint criminal conspiracy procured arms/ ammunition from the said terrorist for carrying out the terrorist activities in the area ; 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 accused for the commission of offences punishable under section of the Unlawful Activities (Prevention) Act, 1967, as shown against their name:ô

S.	Name of the accused	Offence
No.		
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1.	Ishfaq Ahmad Dar S/o Mohd	18, 23, 39 of
	Yaseen Dar R/o Gadapora, Shopian.	ULA (P) Act

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Rafiq Rather R/o Kilbal.	ULA (P) Act.		
3. Rouf Mushtaq Najar S/o Mushtaq Ahmad Najar R/o Wangam, Shopia	n.		

4. Danish Khurshid Bhat S/o Khurshid
Ahmad Bhat R/o Laddi, Imamsahib,
Shopian.
18, 20, 38 of
ULA (P) Act.

7. Whereas, the accused namely Nadeem Rafiq Rather, has been found juvenile during the investigation and in view of Section 1(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015, the apprehension detention, prosecution. Penalty or imprisonment shall be governed by the said Act ; and

8. Whereas, the accused viz. Danish Khurshid Lone, being an active terrorist is absconding and the proceedings Under section 299 Cr.PC. have been proposed to be initiated against him ; and

9. 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

10. 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 subsection (2) of section 45 of the Unlawful Activities (Prevention) Act, Dar 1967, the Government hereby accord sanction for launching prosecution against the accused viz. Ishfaq Ahmad Dar, Rouf Mushtaq Najar and Danish Khurshid Lone, for the commission of offences punishable under the relevant Sections Unlawful Activities (Prevention) Act, as indicated against each at Para (6) above, arising out of FIR No. 19/2022 of Police Station, Shopian.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.