

THE JAMMU AND KASHMIR OFFICIAL GAZETTE

PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATô HOME DEPARTMENT

Notification

Jammu, the 29th January, 2021.

S.O.-42.ô Whereas, on 07-8-2021, Kishtwar Police received reliable information that two persons Yasir Ahmad S/o Gh. Rasool Mingnoo R/o Sagarna Sunder Dachhan and Usman Qadir S/o Gh. Qadir Ginoo R/o Upper Tander Dachhan who went missing from their residential houses on 05-08-2021 had joined the HM banned outfit with intention to harm sovereignty and integrity of the country and to seceed the Ut of J&K from India ;

2. Whereas, a case FIR No. 18/2021 under Sections 13, 18-B ULA (P) Act, came to be registered in Police Station, Dachhan and investigation of the case was taken up. During investigation, Section 18-B ULA (P) Act was dropped and Sections 7/25 Arms Act, 18, 20, 23, 38 ULA (P) Act and 4/5 Explosive Substances Act were added in the case ; and

3. Whereas, on 08-08-2021, during search both the above terrorists were arrested from forest area of Kalam Gassu and during their personal search Police recovered 01 UBGL thrower, 02 UBGL Grenades, 01 Chinese Piltol, 01 Pistol Magazine, 15 Pistol Rounds, 01 wireless set, 01 Pouch and 05 Posters of HM outfit from their possessions ; and

4. Whereas, during further investigation, on the disclosure of above accused persons Police arrested one more terrorist Muzamil Hussain S/o Ab. Rashid Shah R/o Kulna, Palamar, Kishtwar from Kulna Palmar forests and recovered 01 Grenade, 01 AK Magazine and 30 AK rounds from his possession ; and

5. Whereas, during investigation, site plan of place of occurrences and seizure memos were prepared and statements of witnesses acquainted with the facts and circumstances of the case were recorded under the relevant provisions of law ; and

6. Whereas, during investigation, it was established that the accused persons Yasir Ahmad, Usman Qadir and Muzamil Hussain went missing from their residential houses and under well knit criminal conspiracy joined the HM banned outfit for carrying out the terrorist activities in the area and to harm the sovereignty and integrity of the nation ; and

7. Whereas, on the basis of investigation, statements of witnesses recorded and other evidence collected, the Investigating Officer has established *prima facie involvement* of below mentioned accused persons for the commission of offences punishable under section as shown against each of Unlawful Activities (Prevention) Act, 1967 :ô

S.No.							Ν	am	ne	of accused								Offence								
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1 Yasir Ahmad S/o Gh. Rasool Mingnoo														1	3,	18	3, 2	20,	23	3, 3	38					
	R/o Sagarna, Sunder, Dachhan.														ULA(P) Act											

2. Usman Qadir S/o Gh. Qadir Ginoo R/o Upper Tander Dachhan.

3. Muzamil Hussain S/o Ab. Rashid Shah

R/o Kulna Palmar, Kishtwar.

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 other relevant documents relating to the case and has come to the conclusion that a *prima facie* case is made out against the accused persons ; 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 accused persons for their prosecution under the provisions of law.

Now therefore, in exercise of powers conferred by Sub-Section (2) of Section 45 ULA (P) Act, 1967, the Government hereby accord sanction for launching prosecution against the accused persons for the commission of offences punishable under Sections 13,18,20,23,38 of Unlawful Activities (Prevention) Act, 1967, in the case FIR No. 18/2021 of Police Station, Dachhan.

By order of the Government of Jammu and Kashmir.

(Sd.) Principal Secretary to the Government, Home Department.