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JAMMU AND KASHMIR OFFICIAL GAZETTE

PART I—B

Jammu and Kashmir Government-Notifications.

GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HOME DEPARTMENT

Notification

Srinagar, the 9th September, 2022.

S.O.-437.ô Whereas, on 16-03-2022, the Police Station, Nowgam received a reliable information, about the presence of some unknown terrorists in Village Shankerpora, Wanabal. Subsequently, a Joint Cordon and Search Operation was launched by the Police/Security Forces. During the search, the terrorists hiding in the residential house of one Bashir Ahmad Bhat S/o Mohammad Sultan Bhat R/o Shankerpora, Wanabal, fired indiscriminately upon the Search Party with their illegal arms/ammunition, with the intention to kill them, resulting in injuries to one Sepoy namely, Surrender Patel. The fire was retaliated by the Search Party triggering an encounter ; and

2. Whereas, based on the above, a Case FIR No. 45/2022 under Sections 307 IPC, 7/27 Arms Act, 16, 18, 19, 20, 38 of ULA (P) Act, was registered in the Police Station, Nowgam and the investigation of the case was taken up. Subsequently, during the investigation, Section 39 of ULA (P) Act was added in the case ; and

3. Whereas, during the investigation, three dead bodies were recovered from the encounter site who were later on identified as terrorists of LeT banned outfit namely, Adil Ahmad Teli S/o Gh. Nabi Teli R/o Chandhara, Pampore, Yasir Ahmad Wagay S/o Ab. Rehman Wagay R/o Kujjar, Frisal, Yaripora and Shakir Ahmad Tantray S/o Gh. Mohammad Tantray R/o Ranipora, Shopian. During the search, arms/ ammunition viz. 01 AK-47 rifle, 03 AK Magazines, 14 AK rounds, 02 Pistols, 03 Pistol Magazines, 06 Pistol rounds and 01 Hand Grenade were recovered from the killed terrorists ; and

4. Whereas, during the course of the investigation, the site plan of place of occurrence and the seizure memo of recovered arms/ ammunition were prepared and the statements of witnesses acquanited with the facts and circumstances of the case were recorded under the relevant provisions of law; and

5. Whereas, during the investigation, the accused house owner viz. Bashir Ahmad Bhat, was arrested in the case and it was found that he was working as Over Ground Worker (OGW) for the killed terrorists, besides, on 16-03-2022, under a well knit criminal conspiracy voluntarily harboured the killed terrorists in his residential house for carrying out the terrorist activities in the area ; and

6. Whereas, the accused terrorists namely, Adil Ahmad Teli, Yasir Ahmad Wagay and Shakir Ahmad Tantray, have been killed in the said encounter and the proceedings under the law would abate against them ; and

7. Whereas, on the basis of the investigation, the statements of witnesses recorded and other evidence collected, the Investigating Officer has established *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	e of the ac	cused	Offences
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1. Bashir Ahmad Bhat S/o Mohammad 18, 19, 39 of					
	Sultan	Bhat F	R/o Shanker	pora, Wana	ubal ULA (P) Act.

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 Governement 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. Bashir Ahmad Bhat, for the commission of offences punishable under Sections 18, 19 and 39 of ULA (P) Act, arising out FIR No. 45/2022 of Police Station, Nowgam.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.