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## 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 6th October, 2022.

SO-474.66Whereas, on 04-04-2022, the Police Station, Maisuma received a reliable information to the effect that some unknown terrorists fired indiscriminately upon the CRPF nafri deployed at Barrow Mandir, Maisuma, with their illegal arms/ammunition, with the intention to kill them. resulting in injuries to two CRPF personnel, who were shifted to hospital for treatment. The terrorists after commission of crime escaped from the spot; and

- 2. Whereas, based on the above, a Case FIR No. 05/2022 under Sections 307 IPC, 7/27 Arms Act, 13 and 16 of ULA (P) Act, was registered in the Police Station, Maisuma and the investigation of the case was set into motion. Subsequently, one of the injured CRPF personnel namely HC/GD Vishal Kumar, succumbed to his injuries and Section 302 IPC was added in the case. During the investigation, Sections 120-B, 201, 468 IPC r/w 37 Aadhaar Act, Sections 18, 19, 20, 38, 39 of ULA (P) Act, were also 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, three accused identified as Irfan Rashid Bhat @ Usman S/o Ab. Rashid Bhat R/o Padashahi Bagh, Srinagar, Ashiq Bashir Najar @ Nasir S/o Bashir Ahmad Najar R/o Syed Abad, Soiteng, Srinagar and Bilal Ahmad Daga @ Umer S/o Mohd Shafi Daga R/o Banday Kocha, M. R. Gunj, Srinagar, were found involved in the commission of offence. Subsequently, the accused were arrested in the case and during investigation some incriminatory material was recovered at the instances of accused viz. Ashiq Bashir Najar @ Nasir; and
- 5. Whereas, during the investigation, the accused viz. Irfan Rashid Bhat @ Usman, Ashiq Bashir Najar @ Nasir and Bilal Ahmad Daga @ Umer, were found in contact with three terrorists of JeM/LeT banned outfit namely, Mubashir Ahmad Dar S/o Gh. Nabi Dar R/o Pastuna, Tral A/P PoK, Adil Hussain @ Abu Arsalan @ Khalid and Mubashir Bhai @ Mohd Bhai @ Abu Kasim @ Mir Shoaib Rs/o Pakistan and were working for them in order to promote terrorist activities in the area. The accused terrorists viz. Adil Hussain @ Abu Arsalan @ Khalid and Mubashir Bhai @ Mohd Bhai @ Abu Kasim @ Mir Shoaib, attacked upon the CRPF nafri deployed at Barrow Mandir, Maisuma on 04-04-2022; and
- 6. Whereas, during the further investigation, two more persons namely Kaleem Zaffar Khan @ Khawar S/o Zaffar-ul-Khan R/o Firdous Abad, Batamaloo and Raja Junaid Bhat S/o Hafazul1ah Bhat R/o Mandir Bagh, were round involved in the case. The accused viz. Kaleem Zaffar Khan @ Khawar, on the directions of accused viz. Bilal Ahmad Daga,

- 7. Whereas, during the investigation, it was established that the accused viz. Irfan Rashid Bhat @ Usman, Ashiq Bashir Najar @ Nasir and Bilal Ahmad Daga @ Umer, were working as Over Ground Workers (OGWs) for the terrorists namely, Mubashir Ahmad Dar, Adil Hussain @ Abu Arsalan @ Khalid and Mubashir Bhai @ Mohd Bhai @ Abu Kasim @ Mir Shoaib and were providing shelter/logistic support to them, besides, under a well knit criminal conspiracy faclitated the terrorists viz. Adil Hussain @ Abu Arsalan @ Khalid and Mubashir Bhai @ Mohd Bhai @ Abu Kasim @ Mir Shoaib, on the date of occurrence for carrying out the attack upon the CRPF party deployed at Barrow Mandir, Maisuma which resulted in the death of a CRPF personnel; and
- 8. Whereas, the accused terrorists namely Adil Hussain @ Abu Arsalan @ Khalid and Mubashir Bhai @ Mohd Bhai @ Abu Kasim @ Mir Shoaib, have been killed in an encounter with the Security Forces and the proceedings under the law would abate against them; and
- 9. Whereas, on the basis of the investigation, the statement 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 their name :ô
- Irfan Rashid Bhat @ Usman S/o Ab.
  Rashid Bhat R/o Padashahi Bagh,
  Srinagar.
  13, 18, 19, 39 of ULA (P) Act.
- Ashiq Bashir Najar @ Nasir S/o Bashir Ahmad Najar R/o Syed Abad, Soiteng, Srinagar.

- - Bilal Ahmad Daga @ Umer S/o Mohd Shafi Daga R/o Banday Kocha, M. R. Gunj, Srinagar.
  - 4. Mubashir Ahmad Dar S/o Gh. Nabi Dar 13, 18, 20, 38 of R/o Pastuna, Tral A/P PoK. ULA (P) Act.
- 10. Whereas, the accused viz. Mubshir Ahmad Dar, being the active terrorist is absconding and the proceedings under Section 299 Cr. PC, have been proposed to be initiated against him; and
- 11. 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
- 12. 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 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. Irfan Rashid Bhat @ Usman, Ashiq Bashir Najar @ Nasir, Bilal Ahmad Daga @ Umer, and Mubashir Ahmad Dar, for the commission of offences punishable under the relevant sections of ULA (P) Act as indicated against each accused at para (9) above, arising out of FIR No. 05/2022 of Police Station, Maisuma.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.