

THE JAMMU AND KASHMIR OFFICIAL GAZETTE

PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HOME DEPARTMENT, J&K

Notification

Srinagar, the 12th October, 2022.

S.O.-505.ô Whereas, on 20-04-2022, the Police Station, Bandipora, received a docket to the effect that a Joint Naka was established by the Police/Security Forces at Papechan, Bandipora. During the checking a Scooty rider while seeing the Naka Party tried to escape but was chased down on the spot and identified as Umer Aijaz Mir@ Umar Shala

- 2. Whereas, based on the above, a Case FIR No. 67/2022 under Sections 23 of ULA (P) Act, 4B of Explosive Substances Act, was registered in the Police Station, Bandipora and the investigation of the case was taken up. Subsequently, during the investigation, Sections 7/25 Arms Act, 18,19 and 39 of ULA(P) Act and Section 201 IPC were added and Section 4B of ESA was dropped from the case; and
- 3. Whereas, during the course of investigation, the site plan of 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, eight other persons identified as Mumtaz Ahmad Sheikh S/o Nazir Ahmad Sheikh R/o Bandipora, Javaid Iqbal Khan S/o Gulzar Ahmad Khan R/o Nusoo, Bandipora, Sheema Shafi D/o Mohd Shafi Waza R/o Bagh, Bandipora, Idress Ahmad Awan S/o Zubair Ahmad Awan R/o Bazipora, Ajas, Gh. Hassan Rather S/o Mohd Maqbool Rather R/o Baghat, Ajas, Arif Aijaz Mir @ Arif Sehri S/o Late Aijaz Ahmad Mir R/o Nadihal, Bandipora, Gh. Mohd Waza @ Gul Baba S/o Gh. Qadir Waza and Riyaz Ahmad Mir @ Mitha Sehri S/o Gh. Mohd Mir Rø/o Bagh, Bandipora, were found involved in the case. Subsequently, the accused were arrested in connection with the case; and
- 5. Whereas, during the investigation, the accused viz. Umer Aijaz Mir @ Umar Shala, Mumtaz Ahmad Sheikh @ Royal Choice, Javaid Iqbal Khan, Sheema Shafi, Idress Ahmad Awan, Gh. Hassan Rather, Arif Aijaz Mir @ Arif Sehri, Gh. Mohd Waza @ Gul Baba and Riyaz Ahmad Mir @ Mitha Sehri, were found in contact with two PaK based terrorists of LeT banned outfit namely Hyder and Faisal, who provided some arms/ammunition to the accused in order to promote terrorist activities in the area. Subsequently, during the investigation, 03 AK Magazines, 84 rounds and 02 hand grenades were also recovered at the instances of accused viz. Mumtaz Ahmad Sheikh, Javaid Iqbal Khan and Idress Ahmad Awan respectively.

- 6. Whereas, during the investigation, it was established that the accused viz. Umer Aijaz Mir @ Umar Shala, Mumtaz Ahmad Sheikh @ Royal Choice, Javaid Iqbal Khan, Sheema Shafi, Idress Ahmad Awan, Gh. Hassan Rather, Arif Aijaz Mir @ Arif Sehri, Gh. Mohd Waza @ Gul Baba and Riyaz Ahmad Mir @ Mitha Sehri, were working as Over Ground Workers (OGWs) for the terrorists of LeT banned outfit particulary the PaK based terrorists namely, Hyder and Faisal and under a well knit criminal conspiracy were providing Logistic support to them, besides, were voluntarily harbouring the above terrorists. The accused viz. Umer Aijaz Mir @ Umar Shala, Mumtaz Ahmad Sheikh @ Royal Choice, Javaid Iqbal Khan and Idress Ahmad Awan, Procured arms/ammunition from the above terrorists for carrying out the terrorist activities in the area; and
- 7. Whereas, the accused PaK based terrorists namely Hyder and Faisal, have been killed in the different encounters with the Security Forces and the proceedings under the law would abate against them; and
- 8. 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
- S. Name of the accused Offence No.
- - 1. Umer Aijaz Mir @ Umar Shala 18, 19, 23, 39 of S/o Aijaz Ahmad Mir R/o Ward ULA (P) Act. No. 06, Bandipora.
 - 2. Mumtaz Ahmad Sheikh S/o Nazir Ahmad Sheikh R/o Bandipora.
 - Javaid Iqbal Khan S/o Gulzar Ahmad Khan R/o Nusoo, Bandipora.
 - 4. Sheema Shafi D/o Mohd Shafi 18, 19, 39 of Waza R/o Bagh, Bandipora. ULA (P) Act.

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- - 6. Gh. Hassan Rather S/o Mohd 18, 19, 39 of Maqbool Rather R/o Baghat, Ajas ULA (P) Act.
 - Arif Aijaz Mir @ Arif Sehri S/o Late Aijaz Ahmad Mir R/o Nadihal, Bandipora.
 - 8. Gh. Mohd Waza @ Gul Baba S/o Gh. Qadir Waza R/o Bagh, Bandipora
 - Riyaz Ahmad Mir @ Mitha Sehri S/o Gh. Mohd Mir R/o Bagh, Bandipora.
- 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 *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 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. Umar Aijaz Mir @ Umar Shala, Mumtaz Ahmad Sheikh @ Royal Choice, Javaid Iqbal Khan, Sheema Shafi, Idress Ahmad Awan, Gh. Hassan Rather, Arif Aijaz Mir @ Arif Sehri, Gh. Mohd Waza @ Gul Baba and Riyaz Ahmad Mir @ Mitha Sehri, for the commission of offences punishable under the relevant Sections of ULA (P) Act, as indicated against each accused at

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.