

## 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.-506.ô Whereas, on 24-09-2012, the Police Station, Budgam received a docket to the effect that an information was received that a person identified as Mohammad Rafiq Khan S/o Mohammad Abdullah Khan R/o Arth, Soibugh, Budgam, has joined the terrorist ranks of LeT banned outfit and is also persuading/motivating youth of the area to join the terrorist ranks in order to promote terrorist activities in the area; and

- 2. Whereas, based on the above, a Case FIR No. 286/2012 under Sections 13 of ULA was registered in the Police Station, Budgam and the investigation of the case was set into motion. Subsequently, during the investigation, Section 18-B of ULA (P) Act, was added and Section 13 of ULA (P) Act was dropped from the case; and
- 3. Whereas, during the investigation, the accused viz. Mohammad Rafiq Khan, was arrested in the case and during his personal search, 04 LeT letter heads were recovered from his possession. The accused along with one another person namely Mohammad Rafiq Dar S/o Ab. Wahab Dar R/o Churpora, Soibugh, were found in contact with some unknown terrorists of LeT banned outfit. Subsequently, during the investigation, the accused viz. Mohammad Rafiq Dar, was also arrested in the case; and
- 4. Whereas, during the course of investigation, the statements of witnesses acquainted with the facts and circumstances of the case were recorded under the relevant provisions of law; and
- 5. Whereas, during the investigation, it was established that the accused viz. Mohammad Rafiq Khan and Mohammad Rafiq Dar, were in contact with some unknown terrorists of LeT banned outfit and on their directions both the accused were motivating the youth of the area to join the terrorist ranks in order to promote 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 *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 Offences No.
- $\hat{0} \ \hat{0} \$ 
  - 1. Mohammad Rafiq Khan S/o 18-B of Mohammad Abdullah Khan ULA (P) Act. R/o Arth Soibugh, Budgam.
  - Mohammad Rafiq Dar S/o Ab. Wahab Dar R/o Churpora, Soibugh, Budgam.

- 7. 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
- 8. 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. Mohammad Rafiq Khan and Mohammad Rafiq Dar, for the commission of offences punishable under Section 18-B of ULA (P) Act, arising out of FIR No. 286/2012 of Police Station, Budgam.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.