

## THE JAMMU AND KASHMIR OFFICIAL GAZETTE

Jammu and Kashmir Government—Notifications.

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

## Notification

Srinagar, the 12th October, 2022.

S.O.-509.ô Whereas, on 29-04-2022, the Police Station, Baramulla, received a docket to the effect that a Naka was established at Chinnad Crossing, Delina, Baramulla and during the Naka Duty, the party intercepted a vehicle (Tipper) for checking. The driver of the vehicle

- 2. Whereas, based on the above, a Case FIR No. 71/2022 under Sections 8/20-29 of NDPS Act was was registered in the Police Station, Baramulla and the investigation of the case was taken up. During the investigation, the Police also recovered 01 Chinese Grenade, 01 AK-47 Magazine and 15 rounds from the said vehicle. Subsequently, during the investigation, the Sections 13, 17, 18, 23, 38, 39, 40 of ULA (P) Act and Sections 7/25 Arms act, 3/4 ESA, were 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 satatements 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, the accused viz. Mohammad Rafiq Khan and Nisar Ahmad Khan, were found in contact with a PaK based terrorist of LeT banned outfit namely Khan Bhai through the virtual mode and on his directions both the accused procured the drugs from unknown person for selling the same so that the money generated from the smuggling could be utilzed to commit terrorist activities in the area; and
- 5. Whereas, during the investigation, it was established that the accused viz. Mohammad Rafiq Khan and Nisar Ahmad Khan, were working for the terrorists of LeT banned outfit particularly the PaK based terrorist namely, Khan Bhai, and were providing logistic support to them, besides, were facilitating the terrorists for transportation of their arms/ammunition from one place to another and under a well knit criminal conspiracy were also raising funds for the terrorists for carrying out the terrorist activities in the area; and
- 6. Whereas, the investigation in respect of an unknown person who handed over the drugs to the accused viz. Mohammad Rafiq Khan and Nisar Ahmad Khan, shall continue to ascertain his identity and to bring out his role/involvement in the case; 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 their names :ô

S. No. Name of the accused

Offences

- Mohammad Rafiq Khan S/o Mehmood
   Khan R/o Luntha, Tangdar.
   38,39, 40
   ULA (P) Act.
- 2. Nisar Ahmad Khan S/o Mohammad Maqbool Khan R/o Khamohu, Rafiabad.
- 3. Khan Bhai R/o Pakistan.

13, 18, ULA

(P) Act.

- 8. Whereas, the accused terrorist viz. Khan Bhai is absconding against whom proceedings under Section 299 Cr.PC. have been proposed to be initiated; and
- 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 a *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. Mohammad Rafiq Khan, Nisar Ahmad Khan and Khan Bhai, for the commission of offences

By order of the Government of Jammu and Kashmir.

(Sd.) R. K. GOYAL, IAS, Financial Commissioner/ Additional Chief Secretary.