

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 18th October, 2022.

SO.-530.ô Whereas, on 22-07-2020, the Police Station, Chadoora received a docket to the effect that a reliable information was received about the movement of some unknown terrorists in Mouchwa, Chadoora area. Subsequently, a joint Naka was established by the Police/Security Forces at Village Mochwa. During the checking, three persons while seeing the Naka Party tried to escape but were chased down on the spot and identified as Javaid Ahmad Bhat S/o Mohd Ismail Bhat R/o Wanpora, Pulwama, Aijaz Ahmad Wani S/o Abdul Rehman Wani R/o Chitro, Dangerpora, Chadoora and Aqib Zahoor Ganie S/o Zahoor Ahmad Ganie R/o Kulbugh, Budgam. During their personal search, the Police recovered 40 AK 47 rounds, 02 Detonators and 03 Matrix sheets of JeM banned outfit from their possession respectively; and

- 2. Whereas, based on the above, a Case FIR No. 120/2020 under sections 18, 19, 20, 23 of ULA (P) Act, was registered in the Police Station, Chadoora and the investigation of the case was taken up. Subsequently, during the investigation the section 18 and 19 of ULA (P) Act were dropped and Section 13 and 39 of ULA (P) Act 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 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, the accused viz. Javaid Ahmad Bhat, Aijaz Ahmad Wani and Aqib Zahoor Ganie, were found in contact with the terrorist of JeM based outfit namely Javaid Ahmad Ganie S/o Zahoor Ahmad Ganie R/o Wanpora, Pulwama, who provided the ammunition/incriminatory material to the accused in order to promote terrorist activites in the area; and
- 5. Whereas, druing the investigation it was established that the accused viz. Javaid Ahmad Bhat, Aijaz Ahmad Wani and Aqib Zahoor Ganie were working as Over Ground Workers (OGWs) for the terrorists of JeM banned outfit particularly the terrorist viz. Javaid Ahmad Ganie and were providing logistic support to them, besides procured ammunition/incriminatory material from the terrorists for carrying out the terrorist activities in the area; and
- 6. Whereas, the accused terrorist viz. Javaid Ahmad Ganie has been killed in an encounter with the Security forces and the proceedings under the law would abate against him; and
- 7. Whereas, on the basis of the investigation, the statement of witnesses recorded and other evidence collected, the Investigating Officer, has established a *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

2. Aijaz Ahmad Wani S/o Abdul Rehman Wani R/o Chitro, Dangerpora, Chadoora.

- 8. Whereas, the Authority, appointed by the Government under subsection (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 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. Javaid Ahmad Bhat, Aijaz Ahmad Wani, Aqib Zahoor Ganie for the commission of offences punishable under Sections 13, 23 and 39 of ULA (P) Act, arising out of FIR No. 120/2020 of Police Station, Chadoora.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.