

THE JAMMU AND KASHMIR OFFICIAL GAZETTE

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PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HOME DEPARTMENT

Notification

Srinagar, the 19th October, 2022.

S.O.-536ô .Whereas, on 23-07-2016, the Police Station, Shopian received a reliable information that a person identified as Javid Ahmad Fallay S/o Mohd Ahsan Fallay R/o Ganowpora, headed a procession at Village Ganowpora and delivered a provocative speech against the civilian killings, besides, raised anti national slogans, thereby challenged the sovereignty and territorial integrity of the India ; and

2. Whereas, based on the above, a Case FIR No. 208/2016 under Sections 147 RPC, 13 of ULA (P) Act, was registered in the Police Station, Shopian and the investigation of the case was taken up ; and

3. Whereas, during the course of investigation, the site plan of place of the 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, four other accused identified as Ishfaq Ahmad Bhat S/o Ab. Majeed Bhat R/o Pashpora, Mohd Ashiq Bhat S/o Mohd Ahsan Bhat R/o Sandu, Shermal, Shareef-ud-Din Shah S/o Ab. Ahad Shah R/o Chak, Hakim, Bakir and Nisar Ahmad Najar S/o Ab. Gani Najar R/o Sandu, Shermal, were found involved in the commission of offence. Subsequently, the accused viz. Javid Ahmad Fallay, Ishfaq Ahmad Bhat, Mohd Ashiq Bhat and Shareef-ud-Din Shah, were arrested in the case ; and

5. Whereas, during the investigation, it was established that on the date of occurrence, the accused viz. Javaid Ahmad Fallay, Ishfaq Ahmad Bhat, Mohd Ashiq Bhat, Shareef-ud-Din Shah and Nisar Ahmad Najar, addressed a public gathering in village Ganowpora and delivered a provocative speech, besides, raised anti national slogans against the sovereignty and territorial integrity of the India; and

6. Whereas, the accused viz Shareef-ud-Din Shah, has expired and the proceedings under the law would abate against him ; 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 accused	Offence
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1.	Javid Ahmad Fallay S/o Mo	hd Ahsan 13
	Fallay R/o Ganowpora.	ULA(P) Act
2. Ishfaq Ahmad Bhat S/o Ab. Majeed Bhat		
	R/o Pashpora	2

No. 28-t] The J&K Official Gazette, 19th Oct., 2022/27th Asvi., 1944. 3			
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3. Mohd Ashiq Bhat S/o Mohd Ahsan Bhat 13			
R/o Sandu, Shermal	ULA(P) Act		

4. Nisar Ahmad Najar S/o Ab. Gani Najar R/o Sandu, Shermal.

8. Whereas, the accused viz. Nisar Ahmad Najar, is absconding and the proceedings under Section 299 Cr.PC have been proposed to be initiated against him ; 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 relevent 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 porvisions of law.

Now, therefore, in exercise of the powers conferred by Sub-Section (2) of Section 45 the Unlawful Activities (Prevention) Act, 1967, the Government hereby accord sanction for launching prosecution against the accused viz. Javid Ahmad Fallay, Ishfaq Ahmad Bhat, Mohd Ashiq Bhat and Nisar Ahmad Najar, for the commission of offence punishable under Section 13 of ULA (P) Act, arising out of FIR No. 208/2016 of Police Station, Shopian.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.