

## JAMMU AND KASHMIR OFFICIAL GAZETTE

## PART I—B

Jammu and Kashmir Government—Notifications.

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

## Notification

Srinagar, the 3rd November, 2022.

SO-576.66Whereas, on 10-03-2022, an information was received by the Police Station, Khag to the effect that one Sameer Ahamd Malla S/o Mohd Yaqoob Malla R/o Lookipora, Khag, who was missing from his home since 07-03-2022, was abducted by some unknown terrorists with the intention to kill him and the dead body of the said missing person has been kept hidden in a ditch at Labran, Khag; and

2. Whereas, based on the above, a Case FIR No. 09/2022 under Sections 364, 302 IPC was registered in Police Station, Khag and the

- 3. Whereas, during the course of investigation, the site plan of the place of occurrence and seizure memos were prepared and the statement 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 terrorists of LeT banned outfit identified as Mohd Yousuf Dar @ Kantroo S/o Abdul Gani Dar R/o Check Kawoosa, Narbal, Faisal Hafeez Dar S/o Hafizullah Dar R/o Aripanthan, Magam, Hilal Ahmad Sheikh @ Hanzullah S/o Abdul Hamid Sheikh R/o Shrakwara, Wagoora and Gazi Bhai @ Pathan Bhai R/o Pakistan, were found involved in the commission of crime. The above terrorists with the assistance of one Ather illahi Sheikh S/o Gh. Mohd Sheikh R/o Lokipora, Khag kidnapped the deceased and killed him in the orchards of Village Labran, Khag. Subsequently, during the investigation, the accused viz. Ather Illahi Sheikh, was arrested in the case; and
- 5. Whereas, during the investigation, it was established that the accused viz. Mohd Yousuf Dar @ Kantroo, Faisal Hafeez Dar, Hilal Ahmad Sheikh @ Hanzullah and Gazi Bhai @ Pathan Bhai, were members of LeT banned outfit and the accused viz. Ather Illahi Sheikh, was working as Over Ground Worker (OGW) for the terrorists of LeT banned outfit particularly the above terrorists and was providing logistic support to them. The accused viz. Ather Illahi Sheikh, under a well knit criminal conspiracy facilitated the above terrorists to kill the deceased Sameer Ahmad Malla, besides, was voluntarily harboruring the terrorists in his residential house, for carrying out the terrorist activities in the area; and
- 6. Whereas, the accused terrorists viz. Mohd Yousuf Dar @ Kantroo, Faisal Hafeez Dar and Hilal Ahmad Sheikh @ Hanzullah, have been killed in the different encounters with the Security Forces and the proceedings under the law would abate against them; and
- 7. Whereas, on the basis of investigation, and other evidence collected, the Investigating Officer has established, *prima facie*, involvement of below mentioned accused in the commission of the offences punishable

under section of the Unlawful Activities (Prevention) Act, 1967, as shown against their name :ô

S. Name of accused person Offence No.

- 1. Gazi Bhai @ Pathan Bhai 16, 18, 20, 38 of R/o Pakistan. ULA (P) Act.
- Ather Illahi Sheikh S/o Gh.
  Mohd Sheikh R/o Lokipora, Khag.
  16, 18, 19, 39 of ULA (P) Act.
- 8. Whereas, the accused viz. Gazi Bhai @ Pathan Bhai, being the active terrorist 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 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. Gazi Bhai @ Pathan Bhai and Ather Illahi Sheikh, for the commission of offences punishable under the relevant sections of ULA (P) Act, as indicated against each accused at para (7) above, arising out of FIR No. 09/2022 of Police Station, Khag.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.