

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

Jammu, the 14th November, 2022.

S.O.-597.ô Whereas, on 27-05-2022, the Police Station, Karnah, received a docket to the effect that during routine vehicular checking at Sadna Top. a vehicale (truck) was intercepted and during checking 07 Kgs. of Narcotics and 02 live IEDs were recovered from the said vehicle and three persons identified as Imtiyaz Ahmad Khan S/o Habibullah Khan, Gh. Nabi Khan S/o Ashiq Ali Khan and Shamas

- 2. Whereas, based on the above, a Case FIR No. 38/2022 under Sections 8/21 NDPS Act, 3/4 ESA, 13, 23, 39 of ULA (P) Act, was registered in Police Station, Karnah and the investigation of the case was set into motion. Subsequently, during the investigation, the Sections 18 and 20 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 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, two other persons namely Zaheer Ahmad Khoja S/o Haditullah Khoja and Zakir Hussain Gakhad S/o Mohd Abdullah Gakhad Rø/o Chatterkote, Karnah, were found involved in the commission of crime. Subsequently, both the accused were arrested in the case and it was found that the said vehicle belongs to accused viz. Zakir Hussain Gakhad, who in conspiracy with accused viz. Zaheer ahmad Khoja, on the directions to LeT banned terrorist namely Mohd Sadiq Shah S/o Syed Akbar Shah R/o Panjtarah, Karnah A/P PoK/PaK, provided the vehicle for transportation of narcotics and IEDs to Vally for further handing over the same to the another terrorist of the outfit namely showkat Ahmad Sheikh S/o Ab.Ahad Sheikh R/o Sedow, Shopian, in order to promote terrorist activities in the area; and
- 5. Whereas, during the investigation, it was established that the accused viz. imtiyaz Ahmad Khan, Gh. Nabi Khan, Shamus Begum, Zaheer Ahmad Khoja and Zakir Hussain Gakhad, were working as Over Ground Workers (OGWs) for the terrorists of LeT banned outfit particulary the terrorists namely Mohd Sadiq Shah and Showkat Ahmad Sheikh, and were providing logistic support to them, besides, under a well knit criminal conspiracy the accused viz. Imtiyaz Ahmad Khan, Gh. Nabi Khan, Shamus Begam, procured narcotics and IEDs from the PoK/PaK based terrorist viz. Mohd Sadiq Shah, for further distribution among the other terrorists of the outfit in the valley, for carrying out the terrorist activities in the area; and
- 6. whereas, the accused terrorist viz Showkat Ahmad Sheikh, 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, and other evidence collected, the Investigating Officer, has established a *prima facie*

S. Name of the accused Offence No.

- 1. Imtiyaz Ahmad Khan S/o Habibullah 13, 18, 23, 39 of Khan R/o Chaterkote, Karnah. ULA (P) Act.
- 2. Gh. Nabi Khan S/o Ashiq Ali Khan R/o Chaterkote, Karnah.
- 3. Shamas Begum W/o Zakir Hussain Gakhad R/o Chaterkote, Karnah.
- 4. Zaheer Ahmad Khoja S/o Haditullah 13, 18, 39 Khoja R/o Chatter kote, Karnah. ULA (P) Act.
- 5. Zakir Hussain Gakhad S/o Mohd Abdullah Gakhad R/o Chatterkote, Karnah.
- 6. Mohd Sadiq Shah S/o Syed Akbar
 Shah R/o Panjtarah, Karnah A/P
 PoK/PaK

 18, 20 of
 ULA (P) Act.
- 8. Whereas, the accused viz. Mohd. Sadiq Shah, being an 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

By order of the Government of Jammu and Kashmir.

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