

THE JAMMU AND KASHMIR OFFICIAL GAZETTE

PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HOME DEPARTMENT

Notification

Jammu, the 10th of February, 2022.

SOó60.ô Whereas, on 18-08-2021, Security Forces during patrolling near newly constructed Stadium Khudwani chased two motorcyclists for checking who tried to fire upon the Security Forces and escape but were chased down on spot and identified as Aqib Shafi Badder S/o Mohammad Shafi R/o Badderpora Qaimoh and Mohammad Amin

2. Whereas, a Case FIR No. 78/2021 under Sections 307 IPC, 7/25 Arms Act came to be registered in Police Station Qaimoh and investigation of the case was set into motion. Subsequently, during investigation Sections 13, 18, 20, 23, 38, 39 ULA (P) Act were added in the case ; and

3. Whereas, during the course of investigation, site plan of place of occurrence and seizure memos were prepared and statement of witnesses acquinted with the facts and circumstances of the case were recorded under the relevant provisions of law ; and

4. Whereas, during investigation, both the arrested accused persons disclosed that they were in constant touch with two LeT terrorists namely Arbaz Ahmad Mir S/o Manzoor Ahmad R/o Gufbal and Mohammad Aslam Dar S/o Mohammad Rafiq R/o Redwani who provided the pistol with ammunition to accused for carrying out the subversive activities in the area ; and

5. Whereas, during investigation, it was established that accused Arbaz Ahmad Mir and Mohammad Aslam Dar were members of LeT banned outfit and accused persons Aqib Shafi Badder and Mohammad Amin Hajam were working as Over Ground Workers (OGWs) for the above terrorists and were providing shelter/logistic support to them, besides under well knit criminal conspiracy were facilitating the transportation of arms/ammunition for the terrorists for carrying out the terrorist activities in the area ; and

6. Whereas, accused terrorist Mohammad Aslam Dar has been killed in an encounter at Pumbai Kulgam on 17-11-2021 and proceedings under law shall abate against him ; and

7. Whereas, on the basis of investigation, statements of witnesses recorded and other evidence collected, the Investigating Officer has *prima facie* established involvement of the below mentioned accused persons for commission of offences punishable under Section(s) as shown against each of Unlawful Activities (Prevention) Act, 1967 :ô

S	5.	Name of accused person														Offences											
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R/o Badderpora Qaimoh. ULA (P) Act.

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2. Mohammad Amin Hajam S/o	13, 18, 39										
Gull Mohammad R/o Hangalgund	ULA (P) Act.										
Qaimoh.											
3. Arbaz Ahmad Mir S/o Manzoor Ahmad	18, 20, 38										
R/o Gufbal, Qaimoh.	ULA (P) Act.										

8. Whereas, accused Arbaz Ahmad Mir being active terrorist is absconding and 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 persons ; 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 persons for their prosecution under the provisions of law.

Now, therefore, in exercise of powers conferred by Sub-Section (2) of Section 45 of the Unlawful Activities (Prevention) Act, 1967, the Government hereby accords sanction for launching prosecution against the above mentioned accused for the commission of offences punishable under Sections 13, 18, 20, 23, 38, 39 ULA(P) Act, in the FIR No. 78/2021 of Police Station Qaimoh.

By order of the Government of Jammu and Kashmir.

(Sd.) Principal Secretary to the Government, Home Department.