

THE 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 16th November, 2022.

SO-604.ô Whereas, on 06-06-2022, the Police Station, Doda received a docket to the effect that a reliable information was received that a person identified as Irshad Sheikh S/o Mohammad Yousaf Sheikh R/o Dhar, Kishtigarh, Doda, has concealed some explosive material in his residential house, in order to carry out terrorist activities in the area and to wage war against the Union of India. Subsequently, a Joint Search Operation was carried out and during the search, the Police recovered some explosive material (IED) from his house and arrested the accused on the spot; and

- 2. Whereas, based on the above, a Case FIR No. 116/2022 under Sections 4/5 ESA, 121,121-A IPC, and Sections 13 18, 39 of ULA(P) Act, was registered in Police Station, Doda and the investigation of the case was set inot motion. Subsequently, during the investigation, the Section 23 of ULA(P) Act was added in the case; and
- 3. Whereas, during the course of investigation, 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. Irshad Ahmad Sheikh, was found in contact with a terrorist of LeT banned outfit namely Mohammad Amin Bhat @ Khubaib S/o Dawood Batt R/o Kathawa, Phagsoo, Doda A/P Pakistan, who provided the said explosive material (IED) to the accused through an unknown person in order to promote terrorist activities in the area; and
- 5. Whereas, during the investigation, it was established that the accused viz. Irshad Ahmad Sheikh, was working as Over Ground Worker (OGW) for the above terrorist of LeT banned outfit particulary the terrorist namely Mohammad Amin Batt @ Khubaib, and providing logistic support to them, besides, under a well knit criminal conspiracy procured explosive material (IED) from the said terrorist through an unknown person for carrying out the terrorist activities in the area and to wage war against the Union of India; and
- 6. Whereas, the investigation, in respect of the terrorist viz. Mohammad Amin Bhat @ Khubaib and an unknown person who handed over the explosive material (IED) to the accused viz. Irshand Ahmad Sheikh, shall continue to ascertain their actual identity and to bring out their role/involvement in the case; and
- 7. Whereas, on the basis of investigation, statement of witnesses recorded and other evidence collected, the Investigating Officer has established *prima facie* involvement of below mentioned accused for the commission of offences punishable under section as shown against his name of Unlawful Activities (Prevention) Act, 1967 and IPC:ô
- - I. Irshad Ahmad Sheikh S/o Mohammad 13, 18, 23, 39 of Yousuf Sheikh R/o Dhar, Kishtigarh, ULA(P) Act Doda. 121, 121-A IPC.

- 8. 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 *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 his prosecution under the provisions of law.
- 10. Whereas, the Government has independently examined the Case Diary File and all the other relevent documents relating to the case and has come to the conclusion that *prima facie* case is made out against the above accused under the aforementioned provision of the Indian Penal Code (IPC); and

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 45 the Unlawful Activities (Prevention) Act, 1967, and Section 196 of the Code of Criminal Procedure, 1973, the Government hereby accord sanction for launching prosecution against the accused viz. Irshad Ahmad Sheikh, for the commission of offences as indicated against his name in Para (7) above, arising out of FIR No. 116/2022 of Police Station, Doda.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.