

JAMMU AND KASHMIR OFFICIAL GAZETTE

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Jammu and Kashmir Government-Notifications.

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

Notification

Jammu, the 24th November, 2022.

SO-633.66Whereas, on 22-12-2021, the Police Station, Pampore, received a docket to the effect that a Naka was established at Chandhara crossing (NHW) and during the checking a person while seeing the Naka Party tried to escape but was chased down on the spot and identified as Rayees Ahmad Sheikh S/o Assadullah Sheikh R/o Chandhara, Pampore. During his personal search, the Police recovered 01 Hand Grenade from this possession ; and

2. Whereas, based on the above, a Case FIR No. 162/2021 under Sections 4/5 ESA, 18, 20, 23, 38, 39 of ULA (P) Act, was registered in the Police Station, Pampore and the investigation of the case was set into motion. Subsequently, during the investigation, the Section 4/5 ESA and Section 20 of ULA (P) Act, were dropped and the Section 7/25 Arms Act, was 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 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, the accused viz. Rayees Ahmad Sheikh, was found in contact with a PoK based terrorist of JeM banned outfit namely, Umar Bhai R/o Pakistan, through the virtual mode, who provided the a hand grenade to the accused viz. Rayees Ahamd Sheikh, with the directions to lob the same upon the Police/Security Forces in the area in order to cause damage to them ; and

5. Whereas, during the investigation, it was established that the accused viz. Rayees Ahmad Sheikh, was working as Over Ground Worker (OGW) for the terrorists of JeM banned outfit particularly, the PoK based terrorist viz. Umar Bhai, and under a well knit criminal conspiracy procured a hand grenade from him for carrying out the terrorist activities in the area ; and

6. 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 the accused	Offence
No.		
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1.	Rayees Ahmad Sheikh S/o	18, 23, 39 of
	Assadullah Sheikh R/o Chandhara,	ULA (P) Act.
	Pampore.	
2.	Umar Bhai R/o Pakistan.	18, 23, 38 of
		ULA (P) Act.

7. Whereas, the accused terrorist namely Umar Bhai, is absconding and the proceedings under Section 299 Cr. PC have been proposed to be initiated against him ; and

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 a *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 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. Rayees Ahmad Sheikh and Umar Bhai, for the commission of offences punishable under the relevant sections of ULA (P) Act, as indicated against each accused at Para (6) above, arising out of FIR No. 162/2021 of Police Station, Pampore.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.