

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

Jammu, the 28th November, 2022.

SO-640.66Whereas, on 11-06-2020, the Police Station, Budgam received a docket to the effect that a reliable information was received regarding the presence of some unknown terrorists in Village Athanpora. Subsequently, a Joint Cordon and Search Operation was launched by the Police/Security Forces in the area. During the search, the terrorists hiding in the village fired indiscriminately upon the Search Party with the illegal arms/ammunition, with the intention to kill them. The fire was retaliated and the terrorists escaped from the spot; and

- 2. Whereas, based on the above, a Case FIR No. 220/2020 under Section 307 IPC, 7/25 Arms Act was registered in the Police Station, Budgam and the investigation of the case was set into motion. During the investigation, arms/ammunition viz. 01 AK-47 Magazine, 19 AK Rounds, an amount of Rs. 50,000/- and some incriminatory material were recovered from the place of occurrence. Subsequently, during the investigation, the Sections 19, 20, 38 and 39 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 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, three persons identified as Bashir Ahmad Ganie S/o Samad Ganie R/o Versengam, Younis Rashid Rather S/o Ab. Rashid Rather R/o Brarigund and Farooq Ahmad Malik S/o Ab. Gani Malik R/o Soibugh, were found involved in the case. Subsequently, the accused were arrested and were found in contact with two terrorists of JeM banned outfit namely, Adil Ahmad Hafiz S/o Habibullah Hafiz R/o Dalipora, Pulwama and Azad Ahmad Lone S/o Mohammad Abdullah Lone R/o Kakapora; and
- 5. Whereas, during the investigation, it was established that the accused viz. Bashir Ahamd Ganie, Younis Rashid Rather and Farooq Ahmad Malik, were working as Over Ground Workers (OGWs) for the terrorist of JeM banned outfit particularly the terrorist viz. Adil Ahmad Hafiz and Azad Ahmad Lone, and were providing logistic support to them, besides, were voluntarily harbouring the said terrorists for carrying out the terrorists activities in the area; and
- 6. Whereas, the accused terrorist viz. Adil Ahmad Hafiz and Azad Ahmad Lone, 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

S. Name of the accused Offence No.

- 1. Bashir Ahmad Ganie S/o Samad Ganie R/o Versengam.
- 19, 39 of ULA (P) Act.
- Younis Rashid Rather S/o Ab. Rashid Rather R/o Brarigund.
- 3. Farooq Ahmad Malik S/o Ab. Gani Malik R/o Soibugh.
- 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. Bashir Ahmad Ganie, Younis Rashid Rather and Farooq Ahmad Malik, for the commission of offence punishable under Sections 19 and 39 of ULA (P) Act, arising out of FIR No. 220/2020 of Police Station, Budgam.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.