

EXTRAORDINARY

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as a separate compilation.

PART I—B

Jammu and Kashmir Government—Notifications.

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT& HOME DEPARTMENT, J&K.**

Notification

Jammu, the 28th November, 2022.

SO-641. Whereas, on 18-06-2022, an information was received by the Police Station, Pampore to the effect that some unknown terrorists equipped with illegal arms/ammunition fired upon a Police Officer namely Sub Inspector Farooq Ahmad Mir S/o Ab. Gani Mir R/o Samboora at Kamabal, Samboora, resulting in his on spot death. The terrorists after the commission of crime escaped from the spot ; and

2. Whereas, based on the above, a Case FIR No. 71/2022 under sections 302 IPC, 7/27 Arms Act, 16, 18, 20 was registered in the Police Station, Pampore and the investigation of the case was set into motion. Subsequently, during the investigation the Sections 7/25 Arms Act, 34 IPC and the Sections 23, 38 and 39 of ULA(P) Act, were added in the case ; and

2 The J&K Official Gazette, 28th Nov., 2022/7th Agra., 1944. [No. 34-1
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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 Owais Mushtaq Ganie S/o Mushtaq Ahmad Ganie, Arsalan Bashir Dar S/o Bashir Ahmad Dar and Tawqeer Manzoor Mir S/o Manzoor Ahmad Mie R/o Samboora, were found involved in the case. Subsequently, the accused were arrested and were found in contact with a terrorist of Al-Badr banned outfit namely, Majid Nazir Wani S/o Nazir Ahmad Wani R/o Ladhoo, Pampore, who provided the arms/ammunition to the accused in order to promote terrorist activities in the area. Subsequently, during the investigation, 01 Pistol, with magazine, 04 rounds and 13 AK rounds were recovered at the instances of accused viz. Arsalan Bashir Dar and Tawqeer Manzoor Mir, respectively ; and

5. Whereas, during the investigation, it was established that the accused viz. Owais Mushtaq Ganie, Arsalan Bashir Dar and Tawqeer Manzoor Mir, were working as Over Ground Workers (OGWs) for the terrorists of Al-Badr banned outfit particularly the terrorist viz. Majid Nazir Wani, and under a well knit criminal conspiracy were providing logistic support to them, besides, on the date of occurrence the accused viz. Arsalan Bashir Dar, facilitated the terrorist namely Majid Nazir Wani, to carry out the attack upon the deceased Police Officer, which resulted death of the said Police Officer on the spot ; and

6. Whereas, the accused terrorist viz. Majid Nazir Wani, 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 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. No.	Name of the accused	Offence
1.	Owais Mushtaq Ganie S/o Mushtaq Ahmad Ganie R/o Samboora.	18, 39 of ULA (P) Act.
2.	Tawqeer Manzoor Mir S/o Manzoor Ahmad Mir R/o Samboora.	

[illegible]

8. Whereas, the accused viz. Arsalan Bashir Dar and Tawqeer Manzoor Mir, have been found juvenile during the investigation, and in view of Section 1(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015, the apprehension, detention, prosecution, penalty or imprisonment shall be governed by the said Act ; 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 against the accused viz. Owais Mushtaq Ganie, for the commission of offences punishable under Sections 18 and 39 of ULA (P) Act, arising out of FIR No. 71/2022 of Police Station, Pampore.

By order of the Government of Jammu and Kashmir.

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