

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 28th November, 2022.

SO-642.ô Whereas, on 06-07-2022, the Police Station, Kulgam received a docket to the effect that a Joint Cordon and Search Operation was launched by the Police/Security Forces at Village Hadigam. During the checking the terrorists hiding in the residential house of one Mashook Ahamd Mir S/o Gh. Mohammad Mir R/o Hadigam, fired indiscriminately upon the Search Party, with their illegal arms/ammunition, with the intention to kill them. The fire was retaliated, triggering an encounter; and

- 2. Whereas, based on the above, a Case FIR No. 75/2022 under sections 307 IPC, 7/27 Arms Act, and the Sections 13, 18, 19, 20, 38 was registered in the Police Station, Kulgam and the investigation of the case was set into motion. During investigation, two terrorists of LeT banned outfit identified as Nadeem Ahmad Mir S/o Mohammad Abass Mir R/o Gufbal, Qaimoh and Kafeel Ahamd Mir S/o Javaid Ahmad Mir R/o Mirpora, Qaimoh were arrested on the place of encounter alongwith arms/ammunition viz. 01 Pistol with magazine and 02 rounds. Subsequently, during the investigaion, the Section 7/25 Arms Act, and the sections 16 and 23 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, the accused viz. Nadeem Ahamd Mir and Kafeel Ahamd Mir, were found in contact with another terrorist of the outfit namely Arbaz Ahmad Mir S/o Manzoor Ahamd Mir R/o Gufbal, Qaimoh, who provided the arms/ammunition to them in order to promote terrorist activities in the area; and
- 5. Whereas, during the investigation, it was established that the accused viz. Nadeem Ahamd Mir and Kafeel Ahmad Mir, were members of LeT banned outfit and under a well knit criminal conspiracy procured arms/ammunition from the terrorist namely Arbaz Ahmad Mir, for carrying out the terrorist activities in the area, besides, on the date of occurrence forcibly entered in the residential house of Mashook Ahmad Mir, where both the accused were later on arrested by the Police/Security Forces; and
- 6. Whereas, during the investigation, the person namely Mashook Ahmad Mir was not found involved in the case. Subsequently, the said person was dropped from the case and was given the benefit of Section 169 Cr. P. C.; 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

ULA (P) Act.

Kafeel Ahamd Mir S/o Javaid Ahmad

Mir R/o Mirpora, Qaimoh.

2.

- 3. Arbaz Ahmad Mir S/o Manzoor 13, 18, 20, 38 of Ahmad Mir R/o Gulbal, Qaimoh ULA (P) Act.
- 8. Whereas, the accused viz. Arbaz Ahmad Mir being the active terrorist is absconding and the 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; 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. Nadeem Ahmad Mir, Kafeel Ahamd Mir and Arbaz Ahmad Mir, for the commission of offences punishable under

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.