



THE

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PART I—B

Jammu and Kashmir Government—Notifications.

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

Notification

Jammu, the 10th December, 2022.

SO-672.—Whereas, on 22-06-2022, the Police Station, Kokernag, received a docket to the effect that a reliable information was received about the hiding of some unknown terrorists in the Cow Shed of one Mohd. Saifullah Malik S/o Mohd. Akbar Malik R/o Danwathpora, Kokernag. Subsequently, a Joint Cordon and Search Operation was launched by the Police/Security Forces in the area and during the search, the hiding Terrorists 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. 103/2022 under Sections 307, 34 IPC, 7/27 Arms Act, and Sections 16, 18 and 20 of ULA (P) Act, was registered in the Police Station, Kokernag and the investigation of the case was set into motion. Subsequently, during the investigation, the Section 34 IPC was dropped and the Sections 19, 23, 38 and 39 of ULA (P) Act were added in the case ; and

3. Whereas, during the investigation, two dead bodies were recovered from the place of encounter, who were later on identified as the terrorists of HM banned outfit namely, Junaid Ahmad Bhat S/o Gh. Mohd. Bhat R/o Hangalgund and Basit Ahmad Wani S/o Mohd. Ashraf Wani R/o Danwathpora. During the search, arms/ammunition viz. 02 AK-56 Rifles, 02 Magazines, 24 Rounds, 01 Chinese Pistol with Magazine, 03 Rounds and 01 UGL Grenade, were recovered at the place of occurrence ; and

4. Whereas, during the investigation, the site plan of the place of occurrence and the seizure memos were prepared and the statements of the witnesses acquainted with the facts and circumstances of the case were recorded under the relevant provisions of law ; and

5. Whereas, during the investigation, the House Owner's son namely Mohd. Ishaq Malik S/o Saifullah Malik R/o Danwathpora, was found involved in the commission of crime. Subsequently, the accused was arrested and was found in contact with the killed Terrorists namely Junaid Ahmad Bhat and Basit Ahmad Wani ; and

6. Whereas, during the investigation, it was established that the accused viz. Mohd Ishaq Malik, was working as Over Ground Worker (OGW) for the Terrorists of HM banned outfit particularly the killed Terrorists namely, Junaid Ahmad Bhat and Basit Ahmad Wani, and under a well knit criminal conspiracy was providing Logistic support to them, besides, on the date of occurrence the accused viz. Mohd Ishaq Malik, voluntarily harboured the Terrorists in his Cow Shed for carrying out the Terrorist Activities ; and

7. Whereas, the accused Terrorist namely Junaid Ahmad Bhat and Basit Ahmad Wani, have been killed in the said encounter with the Security Forces and the proceedings under the Law would abate against them ; and

8. Whereas, on the basis of the investigation, the statement of witnesses recorded and other evidence collected, the Investigating Officer, has established a *prima facie* involvement of the below mentioned accused for the commission of offences punishable under sections of the Unlawful Activities (Prevention) Act, 1967, as shown against his name :

S. No.	Name of the Accused	Offence
1.	Mohd Ishaq Malik S/o Saifullah Malik R/o Danwathpora, Kokernag.	18, 19, 39 of ULA (P) Act.

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 Dairy 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. Mohd. Ishaq Malik, for the commission of offences punishable under Sections 18, 19 and 39 of ULA (P) Act, arising out of FIR No. 103/2022 of Police Station, Kokernag..

By order of the Government of Jammu and Kashmir.

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