

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 13th December, 2022.

SO-685.66Whereas, on 20-08-2021, the Police Station, Khrew, received a docket to the effect that a reliable information was received about the presence of some unknown terrorists in the residential house of one Gh. Ahmad Najar S/o Gh. Mohd Najar R/o Dhanak Mohalla, Khrew. Subsequently, a Joint Cordon and Search Operation was launched by the Police/Security Forces in the area. 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 by the Police/Security Forces, triggering an encounter; and

- 2. Whereas, based on the above, a case FIR No. 57/2021 under Section 307 IPC, 7/27 Arms Act, and Sections 16, 18, 20, 38 of ULA (P) Act was registered in Police Station, Khrew and the investigation of the case was set into motion. Subsequently, during the investigation, the Sections 19, 23 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 Musaib Mushtaq Bhat S/o Mushtaq Ahmad Bhat R/o Khrew and Muzamil Nazir Rather S/o Nazir Ahmad Rather R/o Chakoora, Pulwama. During the search, arms/ammunition viz. 01 AK-56 Rifle, 03 Magazines, 19 Rounds, 01 Pistol with Magazine and 07 Rounds were also recovered at the place of occurence; and
- 4. Whereas, during the investigation, the site plan of place of occurrence and the seizure memos were prepared and the statements of 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 owners son namely Nizam-u-Din Najar S/o Gh. Ahmad Najar R/o Dhanak Mohalla, Khrew, was found involved in the case. Subsequently, the accused was arrested and was found in contact with the killed terrorists of HM banned outfit namely Musaib Mushtaq Bhat and Muzamil Nazir Rather; and
- 6. Whereas, the accused terrorists namely Musaib Mushtaq Bhat and Muzamil Nazir Rather, have been killed in the said encounter with the Security Forces and the proceedings under the law would abate against them; and
- 7. Whereas, during the investigation, it was established that the accused viz. Nizam-ud-Din Najar, was working as Over Ground Worker (OGW) for the terrorists of HM banned outfits particularly the killed terrorists namely Musaib Mushtaq Bhat and Muzamil Nazir Rather, and was providing logistic support to them, besides, on the date of occurrence voluntarily harboured the said terrorists in his residential house for carrying out the terrorist activities in the area; 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 :ô
- S. Name of the accused Offence No.

- Nizam-u-Din Najar S/o Gh. Ahmad
 Najar R/o Dhanak Mohalla, Khrew.
 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 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 his 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. Nizam-u-Din Najar, for the commission of offences punishable under Sections 19 and 39 of ULA (P) Act, arising out of FIR No. 57/2021 of Police Station, Khrew.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.