

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.

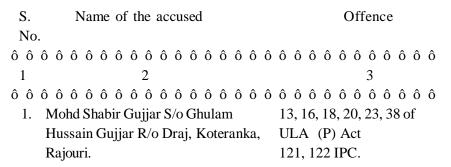
Notification

Jammu, the 21st December, 2022.

SO-707ô Whereas, on 24-04-2022, a reliable information was received by the Police Station, Budhal, to the effect that some unknown terrorists after obtaining illegal arms/ammunition from the Pakistan on the best of Pakistan ISI, in order to disrupt the peace and tranquility and integrity

- 2. Whereas, based on the above, a Case FIR No. 31/2022 under section 307, 120-B, 121, 122 IPC and Section 3/4 ESA, was registered in Police Station, Budhal, and the investigation of the case was set into motion. Subsequently, during the investigation, the Section 427, 201 IPC, and the Sections 13, 16, 18, 20, 23 and 38 of ULA (P) Act were added in the case; and
- 3. Whereas, during the course of investigation, the site plan of place of the occurrence and the seizure memos were prepared and 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, two persons namely, Mohd Shabir Gujjar S/o Ghulam Hussain Gujjar and Mohd Sadiq Gujjar S/o Ibrahim Gujjar Rs/o Draj, Koteranka, Rajouri, were found involved in the commission of crime. Subsequently, the accused were arrested and during investigation 05 IEDs, 05 remote controls and 10 Detonators, were recovered the instances of accused viz. Mohd Shabir Gujjar; and
- 5. Whereas, during the investigation, the accused viz. Mohd Shabir Gujjar and Mohd Sadiq Gujjar, were found in contact with a terrorist of LeT banned outfit namely Talib Hussain Shah S/o Haider Shah R/o Draj, Koteranka, Rajouri, who provided the arms/ammunition to the accused in order to promote terrorist activities in the area. The accused viz. Talib Hussain Shah, was arrested by Police Station, Mahore in case FIR No. 83/2022. Subsequently, his custody was changed in the instant case and during investigation, arms/ammunition viz. 01 AK-47 Rifle, 04 AK Magazines, 120 AK Rounds, 05 Kgs IED, 01 Gluck Pistol, 67 Pistol Rounds, 03 UBGL grenades and 10 LeT banned posters were also recovered at his instances; and
- 6. Whereas, during investigation, it was found that the accused namely Talib Hussain Shah, was in contact with a Pakistani handler of LeT banned outfit namely Mohd Qasim @ Suliman S/o Mohd Shafi R/o Angral A/p Pakistan, through the virtual mode, who send the arms/ammunition to the

- 7. Whereas, during the investigation, it was established that the accused viz. Mohd Shabir Gujjar, Mohd Sadiq Gujjar, Talib Hussain Shah, and Mohd Qasim @ Suliman, were members of LeT banned outfit. The accused viz. Talib Hussain Shah and Mohd Qasim @ Suliman, under a well knit criminal conspiracy motivated/instigated the accused viz. Mohd Shabir Gujjar and Mohd Sadiq Gujjar, to join the outfit and provided arms/ammunition to them for carrying out the terrorist activities in the area and to wage war against the Government of India, besides, on the date of occurrence, the accused viz. Mohd Shabir Gujjar, facilitated the accused viz. Talib Hussain Shah, to carry out the grenade attack upon the vehicles at Shahpure, Koteranka, in order to spread terror among the general public, which resulted injuries to the two persons on the spot; and
- 8. Whereas, on the basis of investigation, statement of witnesses recorded and other evidence collected, the Investigating Officer has established *prima facie* involvement of below mentioned accused for the commission of offences punishable under section as shown against their name of Unlawful Activities (Prevention) Act, 1967 and Indian Penal Code, 1860:ô



- - Talib Hussain Shah S/o Haider
 Shah R/o Draj, Koteranka,
 Rajouri.
 13, 16, 18, 18-B,
 20, 23, 38 of ULA (P) Act
 121, 122 IPC.
 - 4. Mohd Qasim @ Suliman 13, 18, 18-B, 20, 38 of S/o Mohd Shafi R/o Angral, A/p Pakistan. ULA (P) Act 121,122 IPC.
- 9. Whereas, the accused namely Mohd Qasim @ Suliman, is absconding and the proceedings under section 299 Cr. PC. have been proposed to be initiated against him; and
- 10. 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 *prima facie* case is made out against the above accused; and
- 11. 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; and
- 12. Whereas, the Government has independently examined the Case Diary File and all the other relevant documents relating to the case and has come to the conclusion that *prima facie* case is made out against the above accused under the aforementioned provision of the Indian Penal Code (IPC).

Now, therefore, in exercise of the powers conferred by Sub-Section (2) of Section 45 the Unlawful Activities (Prevention) Act, 1967, and Section 196 of the Code of Criminal Procedure, 1973, the Government hereby accord sanction for launching prosecution against the accused viz. Mohd Shabir Gujjar, Mohd Sadiq Gujjar, Talib Hussain Shah

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.