

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 22nd December, 2022.

SO-710.66Whereas, on 12-01-2022, the Police Station, Kulgam, received a docket to the effect that a reliable information was received about the presence of some unknown terrorists in Village Sehpora. Subsequently, a Joint Cordon and Search Operation was launched by the Police/Security Forces and during the search the terrorists hiding in the residential house of one Mashooq Ahmad Lone S/o Habibullah Lone R/o Sehpora, Pariwan, fired indiscriminately upon the Search Party, with their illegal arms/ammunition, with the intention to kill them, resulting

- 2. Whereas, based on the above, a Case FIR No. 04/2022 under Sections 307 IPC, 7/27 Arms Act, 3/4 ESA, 13, 16, 18, 19, 20, 38 of ULA (P) Act, was registered in the Police Station, Kulgam, and the investigation of the; case was set into motion. During investigation, the injured Police personnel namely Sg. Ct. Rohit Kumar Chib, succumbed to his injuries. Subsequently, the Section 302 IPC and the Section 39 of ULA (P) Act were added in the case; and
- 3. Whereas, during the investigation, arms/ammunition viz. 01 AK-56 Rifle, 04 Magazines, 89 Rounds, 01 Pistol, 02 Magazines, 21 Rounds and 02 Hand Grenades were recovered from the place of encounter. The site plan of place of the 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
- 4. Whereas, during the investigation, two persons namely Basit Mashooq Lone S/o Mashooq Ahmad Lone R/o Sehpora, Pariwan and Zakir Ahmad Wani S/o Fayaz Ahmad Wani R/o Nilow, were found involved in the commission of crime. Subsequently, the accused were arrested in the case and it was found that on the date of occurrence the house owner's son namely Basit Mashooq Lone, with the assistance of accused viz. Zakir Ahmad Wani, provided the shelter to the foreign terrorist viz. Babar Bhai in his residential house; and
- 5. Whereas, during the investigation, it was established that the accused viz. Basit Mashooq Lone and Zakir Ahmad Wani, were working as Over Ground Workers (OGWs) for the terrorists of JeM banned outfit particularly the killed terrorist namely Babar Bhai, and under a well knit criminal conspiracy were providing logistic support to them, besides, on the date of occurrence the accused viz. Basit Mashooq Lone, with the help of accused viz. Zakir Ahmad Wani, voluntarily harboured the said terrorists in the residential house of accused viz. Basit Mashooq Lone, for carrying out the terrorist activities in the area; and
- 6. Whereas, the accused terrorist namely Babar Bhai, has been killed in the said encounter with the Security Forces and the proceedings under the law would abate against him; and

- 7. 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.

- 1. Basit Mashooq Lone S/o Mashooq 13, 18, 19, 39 Ahmad Lone R/o Sehpora, Pariwan. of ULA (P) Act.
- 2. Zakir Ahmad Wani S/o Fayaz Ahmad Wani R/o Nilow.
- 8. 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
- 9. 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 G 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. Basit Mashooq Lone and Zakir Ahmad Wani, for the commission of offences punishable under Sections 13, 18, 19 and 39 of ULA (P) Act, arising out of FIR No. 04/2022 of Police Station, Kulgam.

By order of the Government of Jammu and Kashmir.

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

Financial Commissioner/ Additional Chief Secretary.