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Jammu and Kashmir Government—Notifications.

Notification

Jammu, the 27th December, 2022.

SO-721.—Whereas, on 07-03-2022, the Police Station, Mahore, received a docket to the effect that a reliable information was received about the movement of some unknown terrorists in Tukson, Gulabgarh area. Subsequently, a Joint Search Operation was launched by the

Police/Security Forces in the area and during the search an information was received that the villagers of Tukson Dhok, nabbed two terrorists who had come in the said village for shelter. Accordingly, both the terrorists were arrested and identified as Talib Hussain Shah S/o Haider Shah R/o Draj Koteranka, Budhal and Faisal Bashir Dar S/o Bashir Ahmad Dar R/o Abhama, Pulwama. During their personal search, the Police recovered 02 AK-47 Rifles, 08 Magazines, 214 Rounds, 07 Grenades, 01 Pistol and 02 Magazines from their possession respectively ; and

2. Whereas, based on the above, a case FIR No. 83/2022, 7/25 Arms Act, 2/3 ESA and Sections 18, 20, 23 and 38 of ULA was registered in the Police Station, Mahore, and the investigation of the case was set into motion. Subsequently, during the investigation, the Section 2/3 ESA was dropped and the Sections 122, 201 IPC, 13, 16, 17, 18-B and 40 of ULA (P) Act and 4, 5 and 6 of ESA were added in the case ; and

3. Whereas, during the course of 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

4. Whereas, during the investigation, the accused viz. Talib Hussain Shah and Faisal Bashir Dar, were found in contact with two terrorists of LeT banned outfit namely, Mohd. Qasim @ Salman S/o Mohd. Shafi R/o Angralla, Mahore at present PoK/Pakistan and Zia-ul-Rehman Malik S/o Abdul Gafoor Malik R/o Samote, Budhal at present PoK/Pakistan. The accused viz. Mohd. Qasim @ Salman, motivated/recruited the accused viz. Talib Hussain Shah, to join the outfit and send arms/ammunition and an amount of Rs. 12.50 lakhs to him through the Drone for further distribution among the terrorists in order to promote terrorist activities in the area and the accused terrorist viz. Talib Hussain Shah, was facilitated by two persons identified as Mohd. Shabir and Mohd. Sadiq, to receive and conceal the said arms/ammunition in the Forests. Subsequently during investigation, 01 Pistol, 03 Magazines, 01 UBGL Launcher, 03 UBGL Grenades, 75 AK Rounds, 15 Pistol Rounds, 04 Pistol 30 Bore Rounds, 01 IED Remote and 06 Stick Bomb, were recovered from the

Forests at Draj Kotrenka, Rajouri, at the instances of accused viz. Talib Hussain Shah ; and

5. Whereas, during the investigation, it was found that the accused viz. Faizal Bashir Dar, was instigated/motivated by the accused viz. Talib Hussain Shah and Mohd. Qasim @ Salman, to join the outfit and provided arms/ammunition to him for carrying out the Terrorist Activities. During investigation, an amount of Rs. 50,000/- was also recovered from one Fazul-ur-Rehman Malik (brother of accused terrorist Zia-ul-Rehman Malik) which was handed over to him by the terrorist viz. Talib Hussain Shah ; and

6. Whereas, during the investigation it was established that the accused viz. Talib Hussain Shah and Faisal Bashir Dar, were members of LeT banned outfit and under a well knit criminal conspiracy collected arms/ammunition from the Pakistan based terrorists namely Mohd. Qasim @ Salman and Zia-ul-Rehman Malik, in order to carry out the terrorist activities and to wage war against the Government of India. The accused viz. Talib Hussain Shah and Faisal Bashir Dar, were lured/motivated by the terrorists viz. Mohd. Qasim @ Salman to join the outfit, besides, the accused terrorists viz. Mohd Qasim @ Salman and Talib Hussain Shah, were raising funds for the outfit for carrying out the terrorist activities in the area ; and

7. Whereas, the investigation of the case shall continue to bring out the role/involvement of the other accused 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 unlawful Activities (Prevention) Act, 1967, and IPC, as shown against their name :—

S.No	Name of the accused	Offence
1	2	3
1.	Talib Hussain Shah S/o Haider Shah R/o Draj Koteranka, Budhal.	13, 16, 17, 18, 18-B, 20, 23, 38, 40 of ULA (P) Act, 122 IPC.

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| 2. | Faisal Bashir Dar
S/o Bashir Ahmad Dar
R/o Abhama, Pulwama. | 13, 16, 18, 20, 23, 38 of
ULA (P) Act, 122 IPC. |
| 3. | Mohd. Qasim @ Salman
S/o Mohd. Shafi
R/o Angralla, Mahore
at present PoK, Pakistan. | 13, 16, 17, 18, 18-B,
20, 23, 38, 40 of
ULA (P) Act, 122 IPC. |
| 4. | Zia-ul-Rehman Malik
S/o Abdul Gafoor Malik
R/o Samote, Budhal
at present PoK, Pakistan. | 13, 18, 20, 38 of
ULA (P) Act. |

9. Whereas, the accused viz. Mohd. Qasim @ Salman and Zia-ul-Rehman Malik, are absconding and the proceedings under Section 299 Cr. PC. have been proposed to be initiated against them ; 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 a *prima facie* case is made out against the above accused ; and

11. 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 ; and

12. Whereas, the Government has independently examined the Case Dairy File and all 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 of the Unlawful Activities (Prevention) Act, 1967, and Section 196 of the Code of Criminal Procedure, 1973, the Government heerby accord sanction for launching prosecution against

the accused viz. Talib Hussain Shah, Faisal Bashir Dar, Mohd. Qasim @ Salman and Zia-ul-Rehman Malik, for the commission of offences punishable under the relevant Sections as indicated against each accused in Para (7) above, arising out of FIR No. 83/2022 of Police Station, Mahore.

By order of the Government of Jammu and Kashmir.

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