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as a separate compilation.

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PART I—B

Jammu and Kashmir Government—Notifications.

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

Notification

Jammu, the 27th December, 2022.

SO-722.—Whereas, on 11-06-2022, 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 Khandaypora, Kulgam. Subsequently, a Joint Cordon and Search Operation was launched by the Police/Security Forces 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. 67/2022 under Sections 307 IPC, 7/27 Arms Act, and the Sections 13, 18, 20 and 38 of ULA was registered in the Police Station, Kulgam, and the investigation of the case was set into motion. Subsequently, during the investigation, the Sections 16, 19, 39 of ULA (P) Act, and Sections 333 IPC, 7/25 Arms Act were added and the Section 7/27 Arms Act was dropped from the case ; and

3. Whereas, during the investigation, one dead body was recovered from the place of encounter, who was later on identified as the terrorist of HM banned outfit namely, Rasik Amin Ganie S/o Muhammad Amin Ganie R/o Souch, Kulgam. During the search, the arms/ammunition viz. 01-303 Rifle, 01 Magazine, 23 Rounds, 01 Pistol, 02 Magazines, 31 Rounds and 01 Hand Grenade, were also recovered from the encounter site ; and

4. Whereas, during the course of investigation, the site plan of the 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, one Ishrat Amin Khan S/o Muhammad Amin Khan R/o Khandaypora, Kulgam, was found involved in the case. Subsequently, the accused was arrested and was found in contact with the terrorists of HM banned outfit and was working for them in order to promote terrorist activities in the area ; and

6. Whereas, during the investigation, it was established that the accused viz. Ishrat Amin Khan, was working as Over Ground Worker (OGW) for the Terrorists of HM banned outfit particularly the killed Terrorist namely Rasik Amin Ganaie, and under a well knit criminal conspiracy was providing Logistic support to him, besides, on the date of occurrence voluntarily harboured the said Terrorist in his Residential House for carrying out the Terrorist Activities in the area ; and

7. Whereas, the accused Terrorist namely Rasik Amin Ganaie, has been killed in the said encounter with the Security Forces and the proceedings under the law would abate against him ; and

8. Whereas, on the basis of 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, as shown against his name :—

S.No	Name of the accused	Offence
1.	Ishrat Amin Khan S/o Muhammad Amin Khan R/o Khandaypora, Kulgam.	13, 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. Ishrat Amin Khan, for the commission of offences punishable under Sections 13, 18, 19 and 39 of ULA (P) Act, arising out of FIR No. 67/2022 of Police Station, Kulgam.

By order of the Government of Jammu and Kashmir.

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