



THE
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Separate paging is given to this part in order that it may be filed
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 30th December, 2022.

SO—731.—Whereas, on 22-07-2018, the Police Station, Qaimoh, received a docket to the effect that a reliable information about the hiding of three Terrorists of LeT bannd outfit identified as Suhail Ahmad Dar S/o Bashir Ahmad Dar R/o Redwani, Bala, Mudasir Ahmad Dar

S/o Ab. Salam Dar R/o Shalipora, Kulgam and Abu Maviya R/o Pakistan, in the house of one Latief Ahmad Wani S/o Ali Mohd. Wani R/o Wani Mohalla, Khudwani. 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, resulting in injuries to one Army Personnel. The Fire was retaliated, triggering an encounter ; and

2. Whereas, based on the above, a case FIR No. 43/2018 under Sections 307 RPC, 7/27 Arms Act was registered in the Police Station, Qaimoh, and the investigation of the case was set into motion. Subsequently during the investigation, the Sections 13, 16, 18, 18, 20, 38 and 39 of ULA (P) Act, were added in the case ; and

3. Whereas, during the investigation, the dead bodies of killed terrorists of LeT banned outfit namely Suhail Ahmad Dar, Mudasir Ahamd Dar and Abu Maviya, were recovered from the place of encounter and during search the arms/ammunition viz. 02 AK-56 Rifles, 06 Magazines, 138 Rounds, 01 Carbine with Magazine and 31 Rounds, were also recovered from the place of encounter ; 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, it was found that on the date of occurrence the killed terrorists viz. Suhail Ahmad Dar, Mudasir Ahmad Dar and Abu Maviya, were hiding in the residential house of one Mohammad Iqbal Wani S/o Abdul Hamid Wani R/o Wani Mohalla, Khudwani, Qaimoh, and during the search forcibly entered in the house of Latief Ahmad Wani. Subsequently, the accused viz. Mohammad Iqbal Wani, was arrested in the case and was found working for the said Terrorists in order to promote Terrorist Activities in the area ; and

6. Whereas, during the investigation, it was established that the accused viz. Mohammad Iqbal Wani, was working as Over Ground Worker (OGW) for the Terrorists of LeT banned outfit particularly the

killed terrorists namely Suhail Ahmad Dar, Mudasir Ahamd Dar and Abu Maviya, and under a well knit criminal conspiracy 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 terrorists activities in the area ; and

7. Whereas, the accused terrorists namely Suhail Ahmad Dar, Mudasir Ahamd Dar and Abu Maviya, have been killed in the said encounter with the Security Forces and the proceedings under the law would abate against them ; 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.	Mohammad Iqbal Wani S/o Abdul Hamid Wani R/o Wani Mohalla, Khudwani, Qaimoh.	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 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. Mohd. Iqbal Wani, for the commission of offences punishable under Sections 13, 18, 19 and 39 of ULA (P) Act, arising out of FIR No. 43/2018 of Police Station, Qaimoh.

By order of the Government of Jammu and Kashmir.

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