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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-732.—Whereas, on 02-03-2022, a reliable information was received by the Police Station, Kulgam, to the effect that some unknown Terrorists fired upon one Panch of Halqa Kulpora namely, Mohammad Yaqoob Dar S/o Ghulam Mohd. Dar R/o Kulpora, with their illegal arms/ammunition, with the intention to kill him, resulting in injuries to

him. The injured person was shifted to Hospital for treatment where he succumbed to his injuries ; and

2. Whereas, based on the above, a case FIR No. 27/2022 under Sections 302 IPC, 7/27 Arms Act and Section 13 of ULA (P) Act, was registered in the Police Station, Kulgam, and the investigation of the case was set into motion. Subsequently during the investigation, the Section 7/25 Arms Act, and Sections 16, 18, 20, 38 and 39 of ULA (P) Act, were added in the case ; and

3. 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

4. Whereas, during the investigation, five persons namely Idress Ahmad Dar S/o Wali Mohd. Dar R/o Kulpora, Kulgam, Naseer Ahmad Wani S/o Bashir Ahmad Wani R/o Srandoo, Kulgam, Adil Manzoor Rather S/o Manzoor Ahmad Rather R/o Ashmuji, Kulgam, Majid Mohd. Rather S/o Gh. Mohd. Rather R/o Malipora, Mirbazar and Amir Ahmad Rather S/o Gull Mohd. Rather R/o Ashmuji, Kulgam, were found involved in the commission of crime. Subsequently, the accused Naseer Ahmad Wani, Adil Manzoor Rather and Majid Mohd. Rather, were arrested in the case and during investigation 01 Pistol with Magazine, 08 Rounds, 02 Hand Grenades were recovered at their instances, respectively. The accused viz. Amir Ahmad Rather was already arrested in case FIR No. 204/2021 of Police Station Kulgam and was detained under the provisions of Public Safety Act, 1978 ; and

5. Whereas, during the investigation, the accused viz. Idress Ahmad Dar, Naseer Ahmad Wani, Adil Manzoor Rather, Majid Mohd. Rather and Amir Ahmad Rather, were found in contact with two Terrorists of HM banned outfit namely Raja Nadeem Rather S/o Ab. Rehman Rather R/o Ashmuji, Kulgam and Farooq Ahmad Bhat @ Nali, S/o Ab. Gani Bhat R/o Checki Dessan, Yaripora, and on their directions the accused viz. Idress Ahmad Dar, fired upon the deceased Mohammad Yaqoob Dar and later joined the said outfit ; and

6. Whereas, during the investigation, it was established that the accused viz. Naseer Ahmad Wani, Adil Manzoor Rather, Majid Mohd. Rather and Amir Ahmad Rather, were working as Over Ground Workers

(OGWs) for the Terrorists of HM banned outfit particularly the Terrorists namely Idress Ahmad Dar, Raja Nadeem Rather and Farooq Ahmad Bhat @ Nali, and under a well knit Criminal conspiracy were providing Logistic support to them, besides, the accused viz. Naseer Ahmad Wani, Adil Manzoor Rather and Majid Mohd. Rather, facilitated the terrorists viz. Idress Ahmad Dar, to carry out the attack upon the deceased Mohammad Yaqoob Dar and procured arms/ammunition from the said terrorists for carrying out the terrorist activities in the area ; and

7. Whereas, the accused Terrorist namely Idress Ahmad Dar and Raja Nadeem Rather, have been killed in the different encounters 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 their name :—

S.No	Name of the Accused	Offence
1.	Naseer Ahmad Wani S/o Bashir Ahmad Wani R/o Srandoo, Kulgam.	13, 16, 18, 23, 39 of ULA (P) Act.
2.	Adil Manzoor Rather S/o Manzoor Ahmad Rather R/o Ashmuji, Kulgam.	
3.	Majid Mohd. Rather S/o Gh. Mohd. Rather R/o Malipora, Mirbazar.	
4.	Amir Ahmad Rather S/o Gull Mohd. Rather R/o Ashmuji, Kulgam.	13, 18, 39 of ULA (P) Act.
5.	Farooq Ahmad Bhat @ Nali S/o Ab. Gani Bhat R/o Checki Dessan, Yaripora.	13, 16, 18, 20, 38 of ULA (P) Act.

9. Whereas, the accused namely Farooq Ahmad Bhat @ Nali, being the active Terrorist 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 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

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. Naseer Ahmad Wani, Adil Manzoor Rather, Majid Mohd Rather, Amir Ahmad Rather and Farooq Ahmad Bhat @ Nali, for the commission of offences punishable under the relevant Sections of ULA (P) Act, as indicated against the each accused at para (8) above, arising out of FIR No. 27/2022 of Police Station, Kulgam.

By order of the Government of Jammu and Kashmir.

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