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PART I—B

Jammu and Kashmir Government—Notifications.

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

Notification

Jammu, the 30th December, 2022.

SO—733.—Whereas, on 12-07-2013, an information was received by the Police Station, Kunzer, to the effect that three Hurriyat Activists namely Qari Bashir Ahmad Shah, Noor Mohd. Residents of Soibugh, Budgam and Farooq Ahmad Rather @ Gotapuri S/o Ali Mohd. Rather R/o Gotapura, entered in Jamia Masjid, Mangloora, Tangmarg, and delivered a provocative speech and raised anti-national slogans to secede J&K from the Union of India ; and

2. Whereas, based on the above, a case FIR No. 83/2013 under Sections 120-B, 153 RPC and Section 13 of ULA (P) Act, was registered in the Police Station, Kunzer, and the investigation of the case was set into motion ; 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, the accused viz. Farooq Ahmad Rather @ Gotapuri, was arrested in the case and the particulars of other two persons viz. Qari Bashir Ahmad Shah and Noor Mohd., were not found despite strenuous and were not found residing in Village Soibugh, Budgam, accordingly, were deleted from the instant case in terms of Section 169 Cr. PC. ; and

5. Whereas, during the investigation, two other persons namely Zahor Ahmad Reshi S/o Gh. Mohi-ud-Din Reshi R/o Gonipura at present Mangloora and Mohammad Shafi Dhobi S/o Ab. Aziz Dhobi R/o Bona Makhama, Budgam, were found involved in the commission of crime. Subsequently, the accused were arrested in the case ; and

6. Whereas, during the investigation, it was established that on the date of occurrence the accused viz. Farooq Ahmad Rather @ Gotapuri, Zahoor Ahmad Reshi and Mohammad Shafi Dhobi, delivered a provocative speech at Jamia Masjid, Mangloora, Tangmarg, and raised anti-national slogans, besides, instigated the general public against the Sovereignty and Territorial Integrity of the Union of India ; and

7. 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.	2.	3.
1.	Farooq Ahmad Rather @ Gotapuri S/o Ali Mohd. Rather R/o Gotapura.	13 of ULA (P) Act.

1.	2.	3.
2.	Zahor Ahmad Reshi S/o Gh. Mohi-ud-Din Reshi R/o Gonipura at present Mangloora.	13 of ULA (P) Act.
3.	Mohd. Shafi Dhobi S/o Ab. Aziz Dhobi R/o Bona Makhama, Budgam.	

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 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. Farooq Ahmad Rather @ Gotapuri, Zahoor Ahmad Reshi and Mohammad Shafi Dhobi, for the commission of offences punishable under Section 13 of ULA (P) Act, arising out of FIR No. 83/2013 of Police Station, Kunzer.

By order of the Government of Jammu and Kashmir.

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