

THE JAMMU AND KASHMIR OFFICIAL GAZETTE

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PART I-B

Jammu and Kashmir Government-Notifications.

GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HOME DEPARTMENT

Notification

Jammu, the 4th March, 2022.

SOó84.ô Whereas, on 29-08-2021, a tip off was received by Police Station, Awantipora to the effect that a person namely Shahid Ahmad Khanday S/o Ab. Rashid R/o Mandakpal Khrew who went missing from his home and had joined the terrorist ranks of HM banned outfit in order to carry out terrorist activities in the area; and

- 2. Whereas, upon this information, Case FIR No. 63/2021 under Sections 18, 38 ULA (P), came to be registered in Police Station Khrew and investigation of the case was taken up. Subsequently, during investigation Sections 18-B, 20, 23 ULA (P) Act, 7/25 Arms Act and 4/5 Explosive Substances Act were added in the case; and
- 3. Whereas, during investigation, Police Station, Khrew received reliable information about the presence of terrorists including Shahid Ahmad Khanday S/o Ab. Rashid R/o Mandakpal Khrew in orchards at Androosa Pampore who were intending to target Security Forces with their illegal arms/ammunition. Accordingly, cordon and search operation was launched and during search accused Shahid Ahmad Khanday on seeing security forces tried to escape but was tactfully apprehended. During his personal search arms/ammunition viz. 01 Chinese Pistol with Magazine, 06 Pistol rounds and 04 Gelatin sticks were recovered from his possession; and
- 4. Whereas, during the course of investigation, site plan of place of occurance and seizure memos were prepared and statements of witnesses acquainted with the facts and circumstances of the case were recorded under the relevant provisions of law; and
- 5. Whereas, during investigation, it was found tht the accused Shahid Ahmad Khanday has been instigated by a terrorist namely Musaib Mushtaq Bhat S/o Mushtaq Ahmad R/o Khrew to join terrorist organization HM banned outfit and provided him arms/ammunition in order to promote terrorist activities in the area. The accused terrorist Musaib Mushtaq has been killed in an encounter with Security forces on 20-08-2021 at Khrew and proceedings against him shall abate; and
- 6. Whereas, on the basis of investigation, statement of witnesses recorded and other evidence collected, the Investigating Officer has established *prima facie* involvement of below mentioned accused for the commission of offences punishable under sections as shown against his name under the Unlawful Activities (Prevention) Act, 1967:ô

- 7. Whereas, the Authority appointed by the Government under Sub-Section (2) of Section 45 of the Unlawful Activities (Prevntion) 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 prima *facie case* is made out against the accused; and
- 8. Whereas, after perusing the Case Diary File, the relevant documants 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 accused for his prosecution under the provisions of law.

Now, therefore, in exercise of powers conferred by Sub-Section (2) of Section 45 Unlawful Activities (Prevention) Act 1967, the Government hereby accords sanction for launching prosecution against the accused viz. Shahid Ahmad Khanday for the commission of offences punishable under Sections 18, 20, 23 and 38 of the Unlawful Activities (Prevention) Act, 1967, arising out of FIR No. 63/2021 of Police Station, Khrew.

By order of the Government of Jammu and Kashmir.

(Sd.) R. K. GOYAL, IAS,

Financial Commissioner,

(Additional Chief Secretary) Home.