



Government of Jammu and Kashmir  
Home Department

Notification

Srinagar, the 31<sup>st</sup> August, 2018

SRO 364 - Whereas, on 01.12.2011, Police Station, Ram Munshi Bagh, Srinagar received an information through reliable sources that one self styled Operational Commander of Hizbul Mujahideen (HM) outfit, namely Mohammad Shafi Shah @ doctor @ Shabir @ Nisar @ Dawood @ Javed S/o Ab Gani Shah R/o Papchan Bandipora, who was involved in militancy related activities since long, is roaming in Buchwara area of Srinagar alongwith illegal arms/ ammunition to cause an eventuality in the area. The motive of said militant was to separate J&K state from the Union of India and pose threat to the integrity of Nation etc.; and

2. Whereas, in this connection, a Case FIR No 208/11 U/S 7/25 Arms Act, 121, 121A RPC and 18,20 of the Unlawful Activities (Prevention) Act, 1967 came to be registered in Police Station, Ram Munshi Bagh; and

3. Whereas, during the course of investigation, the accused Mohammad Shafi Shah @ doctor @ Shabir @ Nisar @ Dawood @ Javed was arrested on the same day from Buchwara, Dalgate, Srinagar. One pistol with magazine having 07 rounds, 01 satellite Thuraya phone set having double sim and some other objectionable material were recovered from his possession. During interrogation, he disclosed that he is a PoK trained militant and also confessed his involvement in various militancy related incidents carried out across Kashmir valley; and

4. Whereas, on the disclosure statement of the said accused person, huge quantity of arms/ammunition were recovered and necessary seizure memo and recovery memo were prepared. Further, on his disclosure, the accused persons namely Mohammad Iqbal Makhadoomi S/o Mohamad Sultan R/o Tujjar Sharief Sopore and Intiyaz Ahmad Dar S/o Gh Mohi ud Din R/o Danger Mohalla Hajan Sumbal Sonawari, who were found to be close associates of the accused No. 01, were arrested. Both of them confessed to their involvement in several militant related activities in the valley; and

5. Whereas, during the course of investigation, the seized Thuraya phone alongwith two Sim Cards were sent to CFSL, Chandigarh for examination and expert opinion was also obtained which confirmed the communication of accused No. 1 with the PoK based HM commanders. In view of these circumstances offences U/S, 121, 121-A RPC, 18,20 ULA (P) Act were established against accused No's 2 and 3; and

6. Whereas, on the basis of investigation conducted and evidence collected, prima-facie, a case U/S 7/25 IA. Act, 121, 121 A RPC, 18, 20 ULA (P) Act, 1967 has been made out against the accused No. 01 and u/s 121, 121 A RPC, 18, 20 ULA (P) Act,1967 against the accused Nos. 2 and 3 and investigation in this regard has been closed as challan ; and

7. Whereas, the Authority appointed by the State Government under sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, has independently scrutinized the Case Diary file and all the other relevant documents relating to the case and has come to a definite conclusion that this is a fit case for accord of prosecution sanction against the said three accused persons for the commission of offences punishable under sections 18 & 20 of the Unlawful Activities (Prevention) Act, 1967; and

8. Whereas, after perusing the Case Diary, the relevant documents and also taking into consideration the observations/views of the Authority appointed under sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the State Government is of the view that there is sufficient material and evidence available against the accused persons for their prosecution under the aforesaid provision of law.

9. Now, therefore, in exercise of powers conferred by sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the State Government hereby accords sanction for launching prosecution against the accused persons mentioned below for the commission of offences punishable under sections 18 and 20 of the Unlawful Activities (Prevention) Act, 1967 arising out of FIR No.208/11 of Police Station, Ram Munshi Bagh Srinagar.

1. Mohammad Shafi Shah @ doctor @ Shabir @ Nisar @ Dawood @ Javed S/o Ab Gani Shah R/o Papchan Bandipora,
2. Mohammad Iqbal Makhdoomi S/o Mohammad Sultan R/o Tujjar Sharief, Sopore and

  
13/18

3. Imtiyaz Ahmad Dar S/o Gh Mohi ud Din R/o Danger Mohalla  
Hajin, Sumbal, Sonawari.

By Order of the Government of Jammu and Kashmir.

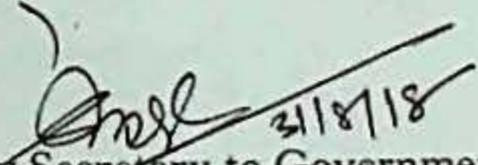
Sd/-  
Principal Secretary to Government,  
Home Department

No. Home/Pros/34/2018

Dated: 31-08-2018

Copy to the:-

1. Director General of Police, J&K, Srinagar. This has reference to his letter No. Legal/San-18/S/2018/37363-64 dated 28.05.2018. The CD file in original is returned herewith, receipt of which may kindly be acknowledged.
2. Secretary to the Government, Department of Law, Justice & Parliamentary Affairs (w.7.s.c.).
3. Private Secretary to Principal Secretary to the Government, Home Department.
4. Stock file

  
Deputy Secretary to Government,  
Home Department.