



GOVERNMENT OF JAMMU AND KASHMIR
HOME DEPARTMENT
Civil Secretariat, Jammu/Srinagar

Notification,
Jammu, the 16th Feb., 2018.

SRO 93.-Whereas, on 11.07.2015 at about 1645 Hours Dy.SP Hqrs Kulgam and SHO P/S Kulgam alongwith their escort nafri were on routine patrolling in town Kulgam, when a specific information was received that two persons namely Mudasir Ahmad Sheikh S/o Abdul Salam Sheikh R/o Rampora Qaimoh and Mushtaq Ahmad Kumbay S/o Ghulam Nabi Kumbay R/o Wanpoh are at Laroo crossing and under the discreet command of active terrorist Tauseef Ahmad Sheikh @ Abu Musad S/o Abdul Salam, Mohammad Abass Sheikh S/o Ghulam Hassan resident of Rampora Qaimoh of (HM) banned outfit, have obtained genuine and fake (duplicate) Gold coins from cross the border and are duping the general public by selling the same coins. The money so generated by the gang is utilized for enhancing the terrorist/subversive activities in the area. The Police personnel of Police Station Kulgam reached Laroo crossing, where on seeing police party, the duo tried to escape the spot, however, the police party apprehended both of them and upon their personal search, an amount of Rs. 12,50,000/- of Indian currency was recovered from one Mudasir Ahmad Sheikh (Accused No.1); and

2. Whereas, in this connection, a separate docket was written to Incharge Police Station, Kulgam, for registration of a formal case in the matter and case FIR No. 135/2015, u/s 420 RPC 17, 18, Unlawful Activities (Prevention) Act, 1967, was registered and investigation of the case was taken up by Shri Ishfaq Alam DySP (Hqrs)Kulgam; and

3. Whereas, during the course of investigation, necessary documents pertaining to the recovery of Hawala money amounting to a total of Rs. 17.50/- lacs (12.50 lacs + 5 lacs) Indian currency and 33 Gold coins from the accused persons have been prepared, statement of witnesses U/S 161, 164 Cr.PC were recorded and sanction for retaining

the terrorist proceeds u/s 25, ULA (P) Act has been obtained from the designated authority (Divisional Commissioner Kashmir); and

4. Whereas, the investigation reveals that the accused No. 1 Mudasir Ahmad Sheikh S/o Abdul Salam Sheikh R/o Rampora Qaimoh, 2. Mushtaq Ahmad Kumbay S/o Gh.Nabi Kumbay R/o Wanpoh, 3. Mohammad Iqbal Khan @ Manzoor S/o Gh.Hassan Khan R/o Vehal Shoplan, in criminal conspiracy with the other two accused (Active militants) 4. Tauseef Ahmad Sheikh @ Abu Musad S/o Abdul Salam, 5. Mohammad Abass Sheikh S/o Ghulam Hassan resident of Rampora Qaimoh have been found cheating the common people by distributing the fake gold coins among public and thereafter utilizing the money so collected for terrorists activities. During further investigation, the offence under section 20 ULAP Act has been added to the case against the accused No. 4 & 5, for being the members of unlawful organization (HM); and

5. Whereas, the investigating agency has prima-facie made out the offences punishable u/s 420 RPC, 17, 18, 20 ULA (P) Act against the accused No. 4 & 5, who are active militants of a banned outfit, and u/s 420 RPC, 17, 18 ULA (P) Act against the accused No. 1 to 3. The accused No. 4 and 5 being active militants are still at run, against whom proceedings u/s 512 CrPC have been initiated; and

6. 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 other relevant documents relating to the case and has come to a definite conclusion that this is a fit case for accord of sanction for launching prosecution against the accused persons; and

7. 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 Activity (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.

Adh

8. 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 accord sanction for launching prosecution against the following five accused persons in terms of the relevant provisions of the said Act, as indicated against each person involved in FIR No. 135/2015 of P/S Kulgam:-

- i. Mudasir Ahmad Sheikh S/o Abdul Salam Sheikh R/o Rampora Qaimoh, for commission of offences punishable u/s 17 and 18 UAPA.
- ii. Mushtaq Ahmad Kumbay S/o Gh.Nabi Kumbay R/o Wanpoh, for commission of offences punishable u/s 17 and 18 UAPA.
- iii. Mohd. Iqbal Khan @ Manzoor S/o Gh.Hassan Khan R/o Vehal Shopian, for commission of offences punishable u/s 17 and 18 UAPA.
- iv. Tauseef Ahmad Sheikh @ Abu Musad S/o Abdul Salam, for commission of offences punishable u/s 17, 18 and 20 UAPA.
- v. Mohammad Abass Sheikh S/o Ghulam Hassan R/O Rampora Qaimoh for commission of offences punishable u/s 17, 18 and 20 UAPA.

By Order of the Government of Jammu and Kashmir.

Sd/-

Principal Secretary to the Government
Home Department

Dated:- 16.02.2018

No. Home/Pros/44/2016

Copy to the:-

1. Director General of Police, J&K, Jammu. This has reference to his letter No. Legal/Sanc-12/S/2016/55549-50 dated 24.09.2016. 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. Pvt. Secretary to Principal Secretary to the Government, Home Department.
4. Stock file.

Nishant
15/2/18
Under Secretary to the Government
Home Department