



Government of Jammu and Kashmir
Civil Secretariat Home Department
Srinagar/Jammu
NOTIFICATION

Jammu, the 8th, February, 2019

SRO 107:- Whereas, Police Station, Argam on 08.07.2017 received reliable information to the effect that one miscreant namely; Ashiq Hussain Wani S/O Abdul Salam Wani R/o Nadihal Bandipora is distributing the posters bearing Photos of deceased terrorist Burhan Wani among the general people. The posters reflect contents that "a great tribute to martyr Burhan Wani from Kashmiri Nation, The martyr Burhan Wani is an ideal and Hero for the youths, serenity for the elders. The martyrdom of the deceased has given a new track to the freedom incitement and has raised the name of Tral to the stars and has inserted evolutionism in the soul of Kashmiri nation. The deceased martyr proved himself a guiding light for the Kashmiri people". These posters have motivated and instigated the people towards unlawful/antinational activities and thereby threatened the sovereignty and integrity of India etc; and

2. Whereas, a case FIR No. 14/2017 U/S 13 Unlawful Activities (Prevention) Act stands registered in Police Station, Argam and investigation was taken up;and

3. Whereas, during the course of investigation the scene of occurrence was inspected and posters were seized at Nadihal. Seizure memo was prepared, statement of witnesses were recorded u/s 161 CrPC as well as 164-A CrPC before the Hon'ble court of law.

4. Whereas, during the course of investigation, all the required legal formalities have been accomplished by the concerned Investigating Officer and finally the investigation of the case has been closed as challan;and

5. Whereas, prima facie on the basis of evidence collected a case U/S 13 of Unlawful Activities (Prevention) Act arising out of FIR 14/2017 of Police station Argam is made out against the accused person namely Ashiq Hussain Wani S/O Ab Salam Wani R/O Nadihal ;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 the 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 person; 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 Activities (Prevention) Act, 1967, the State Government is of the view that there is sufficient material and evidence available against the accused person for his prosecution under the aforesaid provisions of law.

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 accused namely Ashiq Hussain Wani S/O Ab Salam Wani R/O Nadihal Bandipora for the commission of offences punishable U/S 13 Unlawful Activities (Prevention) Act arising out of FIR No. 14/2017 Police Station Argam Bandipora.

By Order of the Government of Jammu and Kashmir.

Sd/-
Principal Secretary to the Government
Home Department

No. Home/Pros/81/2018

Dated:- 08.02.2019

Copy to the:-

1. Director General of Police, J&K, Jammu. This has reference to his letter No. Legal/San-42/S/2018/66375-78 dated 04.10.2018 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. Pvt. Secretary to Principal Secretary to the Government, Home Department.
4. Stock file.


Under Secretary to the Government
Home Department