

NOTIFICATION

Jammu, the 26<sup>th</sup> December, 2019

SO 50 .-Whereas, on 24/04/2018 at about 2200 hrs, Ct Tariq Ahmad No. 1151/BD S/O Mohammad Abdullah Bhat R/O Khasipora Shopian posted at Police Post Pakherpora, who was on night shift guard duty at main Gate of Police Post Pakherpora from 2100 hours to 2400 hours absconded with 01 AK47 rifle (without Butt) bearing No. BE448080, which was allotted to him for Sentry duty, along with 01 magazine and 30 rounds, etc; and

2. Whereas, a case FIR No. 20/2018 U/S 409 RPC, 7/25 A Act, was registered at P/S Charar-i-Sharief and investigation was taken up ; and

3. Whereas, during the course of investigation, it was revealed that said Constable (Ct Tariq Ahmad No. 1151/BD) had been found travelling in a Red coloured TATA Sumo vehicle bearing registration No. JK13-5574 followed by a White Coloured Santro Vehicle bearing registration No. JK03D-6018. Accordingly nakas were established and during search, the white Coloured Santro Vehicle bearing registration No. JK03D-6018 was found abandoned 01 Mobile Phone along with SIM card, documents of the said Santro vehicle and a driving license bearing No. BL/No 16229 MVD Pulwama issued in favour of Shabir Ahmad Magrey S/O Abdul Ahad Magrey R/O Nikloora Pulwama were recovered. The ownership of the said vehicle (Santro) was ascertained and chain of transactions brought out that the vehicle had been sold to Shahnawaz Ahmad Magrey S/O Ab Ahad Magrey R/O Nikloora Pulwama 06 months prior to the date of occurrence; and

4. Whereas, during the course of further investigation, Shabir Ahmad Magrey S/O Ab. Ahad Magrey R/O Nikloora Pulwama, whose driving license was recovered from the said Santro vehicle, was summoned and he stated that the said Santro vehicle was purchased by his brother Shahnawaz Ahmad Magrey S/O Ab Ahad Magrey R/O Nikloora Pulwama from attorney holder Gh Hassan Mir S/O Mohammad Ramzan Mir R/O Nikloora Pulwama during the year 2017. He also stated that on 24-04-2018, one Basharat Ahmad Shah S/O Mohd Akbar Shah R/O Nikloora residing in his neighborhood, came to his home and took away his brother Shahnawaz Ahmad Magrey and the vehicle in question to somewhere in Charar-i-Sharief /Pakherpora area.; and

5. Whereas, investigation conducted further revealed that accused namely Shahnawaz Ahmad Magrey S/O Ab Ahad Magrey R/O Nikloora Pulwama had picked up Basharat Ahmad Shah S/O Mohd Akbar Shah R/O Nikloora in the said Santro vehicle to reach Pakherpora and facilitated Ct. Tariq Ahmad to carry out the said Act. During investigation the Red coloured TATA Sumo vehicle bearing registration No. JK13-5574 along with documents was also seized as it was found abandoned on road/side. Statement of the owner of the said sumo corroborated the involvement of the accused Driver of the said TATA Sumo vehicle namely accused Farooq Ahmad Rather S/O Ab. Gani Rather R/O Aglar Chirath Zainapora Shopian, who facilitated the fleeing of the accused constable and was arrested on 02-05-2018. During the period of investigation, it has been found that the photograph of accused Basharat Ahmad Shah S/O Mohd Akbar Shah R/O Nikloora Pulwama wearing a pouch and having an AK47 Rifle along with grenade thrower, being affiliated with Let outfit were found uploaded in social media as also of the absconding constable Tariq Ahmad which indicates that they had joined the terrorist outfit of LeT.; and

6. Whereas, on the basis of statement of witnesses, seizure memos and other evidence, the I.O has established a prima facie case against accused former constable Tariq Ahmad No. 1151/BD (now active terrorist) S/O Mohammad Abdullah Bhat R/O Khasipora Shopian u/s 409, 120-B RPC, 7/25 A Act, 18,20,38 UAP Act and against accused (2) Basharat Ahmad Shah S/O Mohd Akbar Shah R/O Nikloora Pulwama u/s 120-B-RPC. 7/25 A Act ,18,20,38 Unlawful Activities (Prevention) Act and (3) Shahnawaz Ahmad Magrey S/O Ab Ahad Magrey R/O Nikloora Pulwama and (4) Farooq Ahmad Rather S/O Gani Rather R/O Aglar Chirath Zainapora Shopian u/s 120-B RPC 18,20,38 Unlawful Activities (Prevention) Act; and

7. Whereas, the Authority appointed by the Government of Union Territory of Jammu & Kashmir 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 accused persons; 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 Government of Union Territory of Jammu & Kashmir is of the view that there is sufficient material and evidence available against the accused persons for their prosecution under the aforesaid provisions of law.

Now, therefore, in exercise of powers conferred by sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the Government of Union Territory of Jammu & Kashmir hereby accords sanction for launching prosecution against the accused persons namely; 1. Ex-Ct. Tariq Ahmad No. 1151/BD (now active terrorist) S/O Mohammad Abdullah Bhat R/O Khasipora Shopian, (2) Basharat Ahmad Shah S/O Mohd Akbar Shah R/O Nikloora Pulwama, (3) Shahnawaz Ahmad Magrey S/O Ab Ahad Magrey R/O Nikloora Pulwama and (4) Farooq Ahmad Rather S/O Gani Rather R/O Aglar Chirath Zainapora Shopian for offences u/s 18, 20, 38 of Unlawful Activities (Prevention) Act, in case FIR No. 20/2018 of Police Station Charar-i-Sharief.

By order of the Government of Jammu & Kashmir.

Sd/=

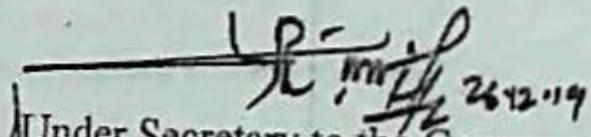
Principal Secretary to the Government  
Home Department

No. Home/Pros/198/2019

Copy to:-

Dated: 26.12.2019

1. Director General of Police, J&K Srinagar. This has reference to his letter No. Legal/Sanc/111/S/2019/68588-90 dated 25.11.2019 from PHQ. 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.

  
Under Secretary to the Government  
Home Department