

NOTIFICATION
Jammu, the 27th December, 2019

S.O:- 53 Whereas, on 06-07-2010, some unknown terrorists lobbed grenade on Police and CRPF troops in Lal Chowk followed by indiscriminate firing in order to cause maximum casualties to forces resulting in killing of one Police Cop namely; Mohammad Yousuf No. 117/F of P/S Maisuma on spot while some pedestrians sustained splitter/bullet injuries. On retaliation of Police and CRPF, the terrorists took refuge in nearby Hotel (Punjab Hotel) wherefrom they again resorted to indiscriminate firing on Police and other Security Forces. In order to neutralize the terrorists reinforcement of SF's reached on spot; and

2. Whereas, a case FIR No.02/2010 U/S 302,307,427 RPC 7/27 A. Act was registered at Police Station Maisuma and investigation taken up; and

3. Whereas, during the course of investigation, with reference to 02 SIM Cards recovered from the damaged mobile phone sets of slain terrorists, it came to fore that the SIM cards have been provided by the telecom company Aircel. Accordingly the matter was taken up with regional office Aircel Barzullah Srinagar where from records relating to the application forms for obtaining SIM Cards were seized, after scrutiny of records one accused namely Ab. Lateef Malla S/O Wali Mohammad R/O Botingo Sopore in whose name SIM card bearing No. 9697079647 was found issued, was arrested. With regard to SIM No. 9697461504, SIM delivery was found in the name of one Imtiyaz Ahmad Dar S/O Wali Mohammad Dar c/o Riyaz Ahmad R/O Rangret Srinagar. In view of the scrutiny of the documents and evidence gathered, 02 more accused persons namely Shahid Hussain Gora S/O Mohd Rafiq Gora R/O Chittergam Chadoora and Zahoor Ahmad Lone S/O Mohammad Ramzan Lone R/O Ajas Bandipora were found involved for obtaining SIM Cards on the basis of fake documents and both the accused were identified and arrested in the Case and later on released on bail under court orders; and

4. Whereas, during further investigation specimen signatures/handwriting of the aforementioned two accused were taken in order to connect them with forging of certain documents for preparation of application form for obtaining SIM cards which were sent to FSL Srinagar for analysis and expert opinion thereof. During the devastating floods of Sep-2014, the building of

P/S Kothibagh got submerged in water and entire records got destroyed/damaged which include the records of the instant Case file, the writings so taken were faded and washed away, accordingly the CD file was reconstructed and efforts were made to arrange the presence of aforementioned accused persons again and specimen signatures/hand writing of both the accused were taken before Executive Magistrate Ist Class Srinagar. Subsequently the material was sent to FSL for comparison with questioned documents and expert opinion. On perusal of expert opinion specimen hand writing/signatures of accused 04 & 05 were found similar with the questioned documents; and

5. Whereas, in view of the evidence gathered, during the investigation followed by expert opinion form FSL Srinagar accused persons namely; Zahoor Ahmad Lone S/O Mohd Ramzan Lone R/O Ajas Bandipora and Shahid Hussain Gora S/O Mohd Rafiq R/O Chittergam, Distt. Budgam have been found involved in the commission of offences punishable sections 420,467,468 RPC for preparation of SIM card fraudulently on the basis of fake documents, which fact has been corroborated by the statement of Imtiyaz Ahmad Dar S/O Wali Mohamamd Dar c/o Riyaz Ahmad R/O Rangret Srinagar recorded under section 164-A Cr.PC before the Hon'ble Court. During investigation one of the SIM card bearing No. 9697079647 issued in the name of accused Mohammad Lateef Malla S/O Wali Mohammad Malla R/O Botingo Sopore recovered from the site of encounter has been found to have been provided to the slain terrorists by the said Mohd Lateef Malla, and he was also found to have remained affiliated with banned terrorist outfits HM & LeT as per his criminal history/ background obtained from his native Police Station; and

6. Whereas, during the course of investigation, on the basis of statement of witnesses, the seizure memos and other evidence, the Investigating Officer established a prima-facie case against the accused persons namely Zahoor Ahmad Lone S/O Mohd Ramzan Lone R/O Ajas Bandipora and Shahid Hussain Gora S/O Mohd Rafiq R/O Chittergam, District Budgam under sections 420,467,468 RPC and against accused Mohammad Lateef Malla S/O Wali Mohammad Malla R/O Botingo Sopore under section 20 of the Unlawful Activities (Prevention) Act 1967; and

7. Whereas, the Authority appointed by the Govt. of the UT of Jammu and 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 person; 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 Govt. of the UT of Jammu and Kashmir 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.

Now, therefore, in exercise of powers conferred by sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the Govt. of the UT of Jammu and Kashmir hereby accords sanction for launching prosecution against the accused person namely; Abdul Lateef Malla S/o Wali Mohammad Malla R/o Botingo Sopore for the commission of offences punishable U/S 20 of Unlawful Activities (Prevention) Act, 1967 arising out of FIR No.02/2010 of Police Station Maisuma Srinagar.

By order of Government UT of Jammu and Kashmir.

Sd/-

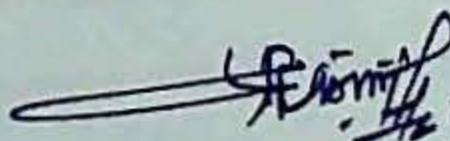
Principal Secretary to the Government
Home Department

Dated: 27.12.2019

No. Home/Pros/48/2019

Copy to:-

1. Director General of Police, J&K, Jammu. This has reference to his letter No. Legal/Sanc-113/S/2018/18381-83 dated 20/03/2019 and. 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.


27.12.19
Under Secretary to the Government
Home Department