



**Government of Jammu and Kashmir
Civil Secretariat, Home Department
Jammu/Srinagar**

NOTIFICATION

Srinagar, the 20th June, 2019.

SRO 419:- Whereas, on 28.11.2018, Police Station Chadoora received an information to the effect that some terrorists equipped with illegally acquired automatic weapons aiming to carry out untoward terrorist act are hiding in the residential house of one Ashiq Hussain Bhat S/o Ab Rehman Bhat R/o Kuthipora Chadoora. Accordingly CASO was launched and during search, the hiding terrorists fired indiscriminately on the forces deployed with intention to kill the Security Forces and escape from the spot which resulted in injuries to some security personnel. The forces retaliated in self-defense. In the meanwhile, a mob of miscreants in hundreds assembled near the encounter site and resorted to heavy stone pelting upon the forces to facilitate the terrorists to escape etc.; and

(02) Whereas, to this effect a case FIR No. 179/2018 was registered at Police Station Chadoora and investigation taken up; and

(03) Whereas, during the course of investigation site plan of place of occurrence was prepared and witnesses acquainted with facts and circumstances were examined and their statements recorded u/s 161 & 164-A Cr.PC. Investigation conducted revealed that while conducting search the hiding terrorists had fired upon the security forces which was retaliated and in the ensuing encounter/crossfire some security force personnel sustained injuries and two militants got killed.

Dead bodies along with arms and ammunition were recovered and necessary recovery and seizure memo were prepared and placed on file; and

(04) Whereas, the dead bodies were identified as of militants namely Mohammad Naveed Jatt @ Hanzalla @ Chotu S/o Mohd Hanif Jatt R/o 421-E/B, Borvella, District Vihadi Multan, Punjab Pakistan and Mehraj-Ud-Din Khan S/o Mushtaq Ahmad Khan R/o New Colony Sopore and after conducting of medico-legal formalities the dead body of local militant Mehraj-Ud-Din Khan was handed over to his legal heirs for burial on proper receipt and dead body of Foreign militant Naveed Jatt was handed over to Auqaf Committee Handwara for burial after taking preserving DNA sample collected by the concerned FSL. Injured CRPF/JKP personnel were shifted to Badamibag Hospital for treatment after preparing the injury forms in respect of them and medical opinion was obtained. Further investigation conducted also revealed that accused Towseef Ahmad Mir S/o Ab Rashid Mir R/o Gowherpora Chadoora and Ashiq Hussain Bhat S/o Ab Rehman Bhat R/o Kuthipora who lead a mob of stone pelters and helped accused militant Arshid Ahmad Dar S/o Gh Rasool Dar R/o Marwal Kakapora Pulwama to escape from the encounter site; and

(05) Whereas, during further course of investigation, some pictures exposing the escaped terrorist which had gone viral on social media were collected retrieved before Executive Magistrate 1st Class and placed as piece of evidence. Moreover seized Arms/Ammunition were sent to FSL Jammu for ballistic analysis and during investigation "KhakaDasti" with regard to the ownership and identification of residential house where the militants were hiding was obtained which confirmed that the said house belonged to accused Ashiq Hussain Bhat S/o Ab Rehman Bhat R/O Kuthipora Chadoora. Moreover call details of cell No. 7006536280 belonging to Towseef Ahmad S/o Ab Rashid Mir R/o Gowherpora Chadoora was obtained and his

location on the date of occurrence was detected in Kuthipora Chadoora which also corroborated his involvement in helping the accused Arshid Ahmad Dar to escape from the place of occurrence. Allied documents obtained from SHO P/S Kakapora concerned vide his No. 1414/5A/PSK/2018 dated 25.12.2018 revealed that the picture of escaping terrorist was that of Arshid Ahmad Dar s/o Gh Rasool Dar R/o Marwal Kakapora Pulwama who had recently joined the militant ranks; and

(06) Whereas, cogent evidence documentary as well as circumstantial, prima facie established offences punishable u/s 147,148,149,336,332,307-RPC 18 ULA(P) against accused 1. Tauseef Ahmad Mir S/o Abdul Rashid Mir R/o Gowherpora Chadoora 2. Ashiq Hussain Bhat S/O Ab Rehman Bhat R/O Kuthipora Chadoora & offences U/S 307-RPC, 7/27 A. Act, 3 PPD Act & 16, 20 ULA(P) Act against accused 3. Arshid Ahmad Dar S/o Gh Rasool Dar R/o Marwal Kakapora Pulwama 4. Mohammad Naveed Jatt @ Hanzalla @ Chotu s/o Mohd Hanif Jatt R/O 421-E/B Borevalla, District Vihadi Multan, Punjab Pakistan and 5. Mehraj-ud-din Khan S/o Mushtaq Ahmad Khan R/O New Colony sopore and accordingly investigation of the case concluded as proved against them; and

(07) Whereas, during the course of investigation, accused 'A-1' and 'A-2' were arrested in the case and accused (1) Tauseef Ahmad Mir S/O Abdul Rashid Mir R/O Gowherpora Chadoora was released by the orders of Hon'ble Court while as the accused (2) Ashiq Hussain Bhat S/O Ab Rehman Bhat R/O Kuthipora Chadoora is presently under Judicial custody in Sub Jail Humhama. Despite coercive/hectic efforts the accused namely Arshid Ahmad Dar S/o Gh. Rasool Dar R/o Marwal Kakapora, Pulwama deliberately evaded his arrest and accordingly proceedings u/s 512/CrPC have been proposed against him; and

(08) 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 accused persons for commission of offences punishable under Section 16,18,20 of the Unlawful Activities (Prevention) Act, 1967; and

(09) 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 provisions of law.

(10) 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 namely 1. Tauseef Ahmad Mir S/o Abdul Rashid Mir R/o Gowherpora Chadoora, 2. Ashiq Hussain Bhat S/o Ab. Rehman Bhat R/o Kuthipora Chadoora for the commission of offences punishable U/S 18 of Unlawful Activities (Prevention) Act and 3. Arshid Ahmad Dar S/o Gh. Rasool Dar R/o Marwal Kakapora, Pulwama for commission of offences punishable u/s 16 & 20 of Unlawful Activities (Prevention) Act in case FIR No. 179/2018 of Police Station Chadoora.

By Order of the Government of Jammu and Kashmir.

Sd/-

Principal Secretary to the Government
Home Department

No.Home/Pros/75/2019

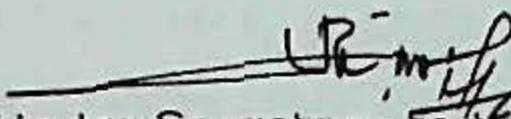
Dated: 20.06.2019

Copy to:-

1. Director General of Police, J&K, Jammu. This has reference to his letter No.Legal/Sanc-

18/S/2019/33799-801 Dated 06.06.2019. 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.


20.06.19.
Under Secretary to the Government
Home Department