



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

NOTIFICATION  
Srinagar, the 26<sup>th</sup> July, 2019

SRO:-474 Whereas, on 06.04.2018, Police Station Kupwara received a docket from SI Mohd Iqbal No. 109315 to the effect that during search operation a militant hiding in the house of Mushtaq Ahmad Khan S/o Abdul Rahim Khan fired upon the security forces with his illegal arms/ammunition with the intention to kill them. However due to the strenuous efforts by the security forces the militant was apprehended alive in injured condition along with arms/ammunition etc;and

2. Whereas, a case FIR No. 61/2018 U/S 307,121,122 RPC, 7/27 A.Act was registered at Police Station Kupwara and investigation taken up;and

3. Whereas,during the course of investigation site plan of place of occurrence was prepared. Statement of witnesses acquainted with the facts and circumstances of case were recorded under relevant provisions of law. Investigation conducted revealed that the accused had been hiding in nearby forests and while the security forces were conducting search, accused took shelter in a nearby house of one Mushtaq Ahmad Khan S/o Ab Rahim Khan R/o Jagtiyal Hayhama and fired upon security forces from his illegally occupied arms ammunition. The accused was tactfully apprehended and from whose possession Arms ammunition AK-47 and magazine and 7 live Rounds of AK 47 along with 3 empty cartridges of AK series were recovered and seizure memo was prepared. During questioning the accused disclosed that he has hidden some arms ammunition and other articles in a

haversack in nearby forests. Subsequent to his disclosure, arms ammunition and other incriminating material was recovered and other incriminating. During investigation the seized incriminating material have been sent to FSL Chandigarh for examination and opinion thereof is awaited;and

4. Whereas, investigation conducted further revealed that prior to the incident on 20/21-03-2018 accused has managed his escape in an injured condition after firing on security forces. During that incident five terrorists have been killed and some police personnel also received injuries. Investigation also revealed that accused is involved in other UAPA cases of Police Station Kupwara. Investigation further revealed that accused is a foreign terrorist of LeT organization and has crossed over to this side of border with the aim of disturbing peace and tranquility of state and country and waging war against India. Investigation conducted prima facie established a case punishable u/s 307,121,122 RPC 7/27 A Act 16,18,20 ULA(P) Act against accused Zabiullah @ Hamza S/o Sonallah Malik R/o Momin Road Muhammad Court Gali Multan Pakistan and accordingly investigation of case has been concluded as proved against him. It is further submitted that presently accused is under NIA custody in case FIR 40/2018 of Police Station Kupwara;and

5. 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 person; and

6. 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 provision of law.

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 person namely Zabiullah @ Hamza S/o Sonullah Malik R/o Momin Road Muhammad Court Gali Multan Pakistan for the commission of offences punishable U/S 16,128 and 20 of Unlawful Activities (Prevention) Act, 1967 arising out of FIR No. 61/2018 of Police Station Kupwara.

By Order of the Government of Jammu and Kashmir.

Sd/-

Principal Secretary to the Government  
Home Department

No. Home/Pros/42/2019

Dated:- 26 .07.2019

Copy to:-

1. Director General of Police, J&K, Jammu. This has reference to his letter No. Legal/Sanc-148/S/2018/20898-900 dated 30/03/2019. 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.

*Nish*  
26/7/19

Under Secretary to the Government  
Home Department