



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

NOTIFICATION

Srinagar, the 11th September, 2019

SRO:- 524 Whereas, on 05-03-2018, Police Station Awantipora received a written docket from SHO P/S Awantipora to the effect that he along with SDPO Awantipora were on patrolling duty in the area of Lethpora. During said patrolling, SDPO Awantipora received credible inputs about the presence of active terrorists of banned terrorist Organization Jaesh-e-Mohammad (JeM) in the residential house of the accused namely Ghulam Mohi-ud-din Dar S/o Ghulam Ahmad Dar R/o Hatiwara Lethpora. Acting on this specific input, SDPO Awantipora informed the Army, CRPF and SOG Components/Units and the said area was cordoned off accordingly. The terrorist(s) were given opportunity to surrender and in denial to same, the terrorist(s) started firing upon the said cordoning force and in retaliation, one active terrorist of banned terrorist Organization Jaesh-e-Mohammad (JeM) was neutralized. The Dead body of the neutralized terrorist was retrieved from the Encounter Site and was identified as Mufti Abdul Mateen alias Mufti Waqas, resident of Abbaspura Muzafferabad, Pak Occupied Kashmir, PoK; and

2. Whereas, a case FIR No.34/2018 U/S 307, RPC, 7/27 A Act, 16,18,19,20,38 ULA(P)Act was registered at Police Station Awantipora and investigation was taken up; and

3. Whereas, necessary memos to this effect were prepared and placed on record. During the course of Investigation, the identity of the dead body was ascertained to be of one Mufti Abdul Mateen alias Mufti Waqas Resident of Abbaspura Muzaffarabad, Pakistan affiliated with the banned terrorist Organisation Jaesh-e-Mohammad (JeM), who was operating in the area of South Kashmir as self-styled Divisional Commander. (Herein after referred to as Accused No. 1). The Injury Memo was prepared in relation to dead body of Accused No. 1 and thereafter was sent to local Hospital wherefrom said dead body was shifted to Police Hospital, Srinagar for conduct of Post Mortem. The Post Mortem over the dead body of the Accused No. 1 was performed at Police

Hospital, Srinagar by team of Doctors headed by Dr. Mymoona on 05-03-2018 and Report thereof obtained. During the course of Post Mortem, the samples from the dead body of Accused No. 1 were collected & packed and were sealed before the Executive Magistrate 1st Class, Srinagar. The sealed samples were sent to CFSL, New Delhi for DNA Profiling and Analysis on 17-03-2018. Thereafter, the dead body of Accused No. 1 was handed over to Fayaz Ahmad Pandith, Chairman Auqaf Committee Gantmullah Sheeri for performance of last rites; and

5. Whereas, during the course of Investigation, the statements of Prosecution Witnesses were reduced into writing by the Investigator. Prosecution Witness No. 1 (Inspector Nazir Ahmad No. ARP-046126) in his statement recorded U/S. 161 Cr.PC on 05-03-2018 read with his supplementary statement recorded on 11-03-2018 revealed the involvement of one person namely Ghulam Mohi-ud-din Dar S/o Ghulam Ahmad Dar R/o Hatiwara, Awantipora (Hereinafter referred to as Accused No. 2) for harbouring and providing assistance to the Accused No. 1. Further, Prosecution Witnesses No. 2 (Inspector Sanju Kumar No. 031450399GD-130 Bn. CRPF); Prosecution Witnesses No. 3 (Inspector Mudasir Ahmad No. EXK-109165); Prosecution Witnesses No. 4 (SI Shah Feisal No. 113/Awt); Prosecution Witnesses No. 5 (SI Manzoor Ahmad No. 223/Awt); Prosecution Witnesses No. 6 (ASI Ali Mohammad No. EXK-872402); Prosecution Witnesses No. 7 (HC Gulzar Ahmad No. 413/Awt) and Prosecution Witnesses No. 8 (SgCt. Hilal Ahmad No. 750/Awt), in their statements recorded U/S. 161 Cr.PC also revealed the involvement of Accused No. 2 in harbouring the Accused No. 1 and accordingly on the basis of evidence so gathered, Accused No. 2 was arrested by the Investigator on 11-03-2018 and was admitted to bail on 31-03-2018 by the Court of competent jurisdiction. Accordingly, the Accused No. 2 was charged for the commission of offence punishable under Section 19 of the Unlawful Activities (Prevention) Act. Subsequently, the testimony of Prosecution Witness No. 6 (ASI Ali Mohammad No. EXK-872402) and Prosecution Witnesses No. 7 (HC Gulzar Ahmad No. 413/Awt) were recorded under Section 164A Cr.PC as material witnesses in the case. The recovered illegally acquired arms/ammunition comprising of 1). Pistol along with Magazine 2). Live 8 Rounds; and 3). 2 Empty Cartridges were re-sealed in presence of Executive Magistrate, 1st Class Awantipora and were

duly exhibited as Exhibit-A1, Exhibit-B1 and Exhibit-C1. The resealed and Exhibited samples were dispatched to FSL, Jammu for Expert Ballistic Opinion on 16-04-2018. The said Expert Ballistic Opinion was received from the FSL, Jammu vide Report No. 91/BLS/FSL/18 dated 09-08-2018. The Ballistic Opinion received from the FSL, Jammu confirmed the fact that the 02 empty Cartridges were fired from the said recovered Pistol; and

6. Whereas, on the strength of evidence both Scientific and Ocular collected during investigation offences punishable u/s as shown against each are made out and investigation of case has been concluded as proved.

Sr. No	Name of Accused Person	Section(s) of Law
1.	Mufti Abdul Mateen alias Mufti Waqas(Accused No. 1) Resident of Abbaspura Muzaffarabad, Pakistan affiliated with the banned terrorist Organisation Jaesh-e-Mohammad (JeM). (Dead/Neutralized)	Section 307 of Ranbir Penal Code, Section 7/27 of Arms Act, Sections 16, 18, 20 & 38 of Unlawful Activities (Prevention) Act.
2.	Ghulam Mohi-ud-din Dar S/o: Ghulam Ahmad Dar R/o: Hatiwara, Awantipora Tehsil: Awantipora District: Pulwama (Accused No. 2). (On Bail)	Sections 19 of Unlawful Activities (Prevention) Act.

7. 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 accused person No. 2 namely Ghulam Mohi-ud-Din Dar ; 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 State Government is of the view that there is sufficient material and evidence available against the accused No.2 for his prosecution under the aforesaid provision of law and since

accused No. 1 has been neutralized/dead, as such, no sanction/view is required in his case.

9. Now, therefore, in exercise of powers conferred by subsection (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the State Government hereby accords sanction for launching prosecution against the accused namely Ghulam Mohi-ud-din Dar S/o Ghulam Ahmad Dar R/o Hatiwara Tehsil Awantipora District Pulwama, for the commission of offences under section U/S 19 of Unlawful Activities (Prevention) Act, 1967 arising out of FIR No.34/2018 of P/S Awantipora.

By order of Government of Jammu and Kashmir.

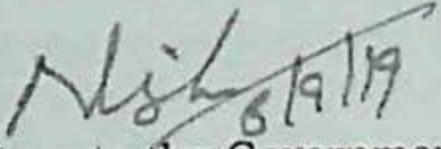
Sd/-
Principal Secretary to the Government
Home Department

No. Home/Pros/55/2019

Dated: 11.09.2019

Copy to:-

1. Director General of Police, J&K, Jammu. This has reference to his letter No.Legal/Sanc-131/S/2018-692-94 dated 13/02/2019. 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./s.c.)
3. Private Secretary to Principal Secretary to the Government, Home Department.
4. Stock file.


Under Secretary to the Government
Home Department