



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

NOTIFICATION

Srinagar, the 18th September, 2019

SRO:-535 Whereas, on 17-01-2019 P/S Kralgund received an information through reliable sources to the effect that One Ashiq Hussain Khoja S/O Ab Jabar Khoja R/O Kralgund is involved in aiding/abetting terrorists to carry out terrorist activities and is also involved in providing the information to the terrorists about the movement of SF's and Police in the area, besides providing transport facilities to the terrorists to move from one place to another; and

2. Whereas, a case FIR No. 03/2019 U/S 13,39 UAP Act 1967, 6(1) Wireless Telegraph Act 1933 was registered at Police Station Kralgund and investigation was taken up; and

3. Whereas, during course of investigation, statement of witnesses acquainted with facts and circumstances of case were recorded under relevant provisions of law and placed on file. The accused was summoned to police station Kralgund and questioned. During questioning accused Ashiq Hussain Khoja S/O Ab. Jabar Khoja R/O Kralgund disclosed that he is working as OGW with terrorists since long and is facilitating movement of terrorists from one place to another. He is in contact with terrorists and other OGW's through his personal Mobile Phone Samsung bearing No. 6005602332 and there are Whats-App messages and Whats-App voice clips available on the said mobile phone. The accused further disclosed that he is providing every information to the terrorists regarding the movement of Police/ SF's through his Mobile phone and the terrorist have also provided him a wireless set for establishing contact with them which he has kept hidden in an orchard. Accordingly disclosure statement was prepared and subsequent to his disclosure, accused was formally arrested and cell phone recovered from his possession was seized as piece of evidence. Subsequent to his disclosure, Wireless set with antenna made in Japan was recovered from an orchard at Kralgund and recovery memo/seizure memo was prepared; and

4. Whereas, during further course of investigation incriminating material from seized mobile phone of the accused persons, like WhatsApp Chat screen Shots, WhatsApp Voice notes and WhatsApp audio clip of the Mobile phone has been extracted in presence of Executive Magistrate Ist. Class and a separate CD has been prepared. The CD along with seized Mobile phone has been sent to CFSL Chandigarh for expert opinion which

is still awaited. Evidence collected during investigation has prima facie established offences punishable u/s 13,39 UAP Act 1967, and 6(1) of Wireless Telegraph Act against accused Ashiq Hussain Khoja S/O Ab Jabar Khoja R/O Kralgund and investigation of case has been concluded as proved against him;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 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 State Government hereby accords sanction for launching prosecution against the accused person namely Ashiq Hussain Khoja S/O Ab Jabar Khoja R/O Kralgund for the commission of offences punishable U/S 13 & 39 of Unlawful Activities (Prevention) Act, 1967 arising out of FIR No.03/2019 of P/S Kralgund.

By order of Government of Jammu and Kashmir.

Sd/-

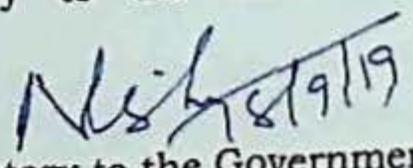
Principal Secretary to the Government
Home Department

Dated: 18.09.2019

No. Home/Pros/70 /2019

Copy to:-

1. Director General of Police, J&K, Jammu. This has reference to his letter No.Legal/Sanc/56/S/2019/26857-59 dated 07/05/2019. 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.


Under Secretary to the Government
Home Department