



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

NOTIFICATION

Srinagar, the 25th September, 2019

SRO:- 544 Whereas, on 15.09.2018, P/S Yaripora received a written information from SHO Police Station Yaripora that he along with Nafri of CRPF 18thBn and Dy. SP (OPS) Zainporawere performing law and order duty at main market Yaripora and in the meantime an unruly mob carrying lathies, stones etc. in their hands, pelted stones upon the deployed nafri on duty. Actually miscreants from different villages of the area have assembled on the funeral procession of slain terrorist namely Fasil Rashid Rather S/o Ab. Rashid Rather R/o Yamrach. The terrorist namely Farooq Ahmad Bhat @ Nali S/o Abdul GaniBhat R/o Chak Dessend, Hilal Ahmad Wani S/o Mohd Akram Wani R/o Machwa, Ishfaq Ahmad Itoo S/o Mohd Yousuf Itoo R/o Hangalbush, Raqib Ahmad Sheikh S/o Mohd Amin Sheikh R/o Shighanpora also appeared with their illegal weapons in the said procession, delivered provocative speech and resorted to aerial firing with the aim to motivate youths to join the terrorist organizations and with the intention to create terror and fear among the general masses, besides spread hatred among the general Public against the government of India as well as State of J&K. The miscreants assembled with the intention to keep busy the deployed Nafri with law and order duty so that movement of terrorists becomes easy to participate in said procession and to give safe passage to the terrorists to escape from the spot; and

2. Whereas, a case FIR No. 70/2018, U/S 147, 148, 149, 336, 307, 212 RPC 13, 18, 19, 38, 39, UAPA 7/25 A Act, 1967 was registered at Police Station, Yaripora and investigation was taken up; and

3. Whereas, during the course of investigation, site plan of place of occurrence was prepared. Statement of witnesses acquainted with facts and circumstances were recorded under relevant provisions of law and placed on record. Besides

statement of material witnesses were recorded under Sec. 164-A Cr. PC. Investigation conducted revealed that during funeral procession of Slain militant Fasil Rashid Rather S/o Ab. Rashid Rather R/o Yamrach, active militants namely Farooq Ahmad Bhat @ Nali S/o Abdul Gani Bhat R/o Chak Dessend, Hilal Ahmad Wani S/o Mohd Akram Wani R/o Machwa, Ishfaq Ahmad Itoo S/o Mohd Yousuf Itoo R/o Hangalbush, Raqib Ahmad sheikh S/o Mohd Amin Sheikh R;/o Shighanpora appeared with their illegal weapons and delivered provocative speech and resorted to aerial firing with the aim to motivate youths to join the terrorist organizations and with the intention to create terror and fear among the general masses, besides spread hatred among the general Public against the government of India as well as State of J&K. Investigation also revealed that in order to facilitate the escape of these militants from the place of occurrence OGWs namely Tawsif Ahmad Dar, Zahoor Ahmad Nengroo, Mashooq Ahmad Bhat, Showkat Ahmad Bhat, Amir Manzoor Bhat, Umar Ali Wani and Nisar Ahmad Thokar instigated the common youth and started stone pelting on the deployed nafri;and

4. Whereas, evidence collected in form of statement of witnesses prima facie established commission of offences punishable U/s 336 RPC 7/27 A Act 13, 16, 18, 39 UAPA,1967 against accused (active terrorists) namely Farooq Ahmad Bhat @ Nail S/o Abdul Gani Bhat R/o Chak Dessend, Hilal Ahmad Wani S/o Mohd AkramWani R/o Machwa, Ishfaq Ahmad Itoo S/o Mohd Yousuf Itoo R/o Hangalbush, Raqib Ahmad Sheikh S/o Mohd Amin Sheikh R/o Shighanpora and offences U/S 147, 148, 149, 336, 307, 212 RPC 13, 18, 19, 38, 39, UAPA against accused OGWs namely Tawsif Ahmad Dar @ Rinku S/o Mohd Akbar Dar R/o Srinagar , Zahoor Ahmad Nengroo S/o Gh. Hassan Nengroo, Showkat Ahmad Bhat S/o Gh. MohiUd Din Bhat R/o Machwa, Amir Manzoor Bhat S/o Manzoor Ahmad Bhat R/o Machwa, Umar Ali Wani S/o Ali Mohd Wani R/o Machwa and Nisar Ahmad Thokar S/o Mohd Ramzan Thokar R/o Zazripora and accordingly investigation of case has been concluded as proved against them. Further A1-A4 are active militants and are absconding against whom proceedings u/s 512 Cr. PC have been proposed while as A5-A11 have been arrested and are under judicial custody; 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 persons; 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 persons for their prosecution under the aforesaid provisions of law.

7. 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 following accused for the commission of offences under various sections of Unlawful Activities (Prevention) Act, 1967 indicated against each arising out of FIR No.70/2018 of P/S Yaripora:-

S.No	Name of accused	U/S
1.	Farooq Ahmad Bhat @ Nali S/o Abdul Gani Bhat R/o Chak Dessend	13,16,18 and 39 of UAPA
2.	Hilal Ahmad Wani S/o Mohd Akram Wani R/o Machwa.	
3.	Ishfaq Ahmad Itoo S/o Mohd Yousuf Itoo R/o Hangalbush.	
4.	Raqeeb Ahmad Sheikh S/o Mohd Amin Sheikh R/o Shighanpora	
5.	Tawsif Ahmad Dar @ Rinku S/o Mohd Akbar Dar R/o Hyderpora Srinagar.	13,18,19,38 and 39 of UAPA
6.	Zahoor Ahmad Nengroo S/o Gh. Hassan Nengrooa, R/o Budroo Yaripora.	
7.	Mashooq Ahmad Bhat S/o Ab. Rehman Bhat R/o Machwa.	
8.	Showkat Ahmad Bhat S/o Gh. Mohi-ud Din Bhat R/o Machwa.	

9.	Amir Manzoor Bhat S/o Manzoor Ahmad Bhat R/o Machwa.	
10.	Umar Ali Wani S/o All MohdWani R/o Machwa.	
11.	Nisar Ahmad Thokar S/o Mohd Ramzan Thokar R/o Zazripora.	

By order of Government of Jammu and Kashmir.

Sd/-

Principal Secretary to the Government
Home Department

No. Home/Pros/66/2019

Dated: 28.09.2019

Copy to:-

1. Director General of Police, J&K, Jammu. This has reference to his letter No.Legal/Sanc-155/S/2018/23024-26 dated 12/04/2019. 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.

Nishant
24/9/19

Under Secretary to the Government
Home Department