



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

NOTIFICATION

Srinagar, the 22nd October, 2019

SRO 618 .-Whereas on 17-05-2018 Police Station, R.M Bagh received an information from reliable sources to the effect that some unknown gunmen barged in the premises of Hotel Hill Skirt Buchwara, Dalgate and snatched service weapons (02 INSAS Rifles and 01 SLR Rifle with magazines and ammunition) from the guard personnel of IRP 4th Bn deployed there. The guard personnel have not shown any resistance to counter the incident of weapon snatching and have shown sheer cowardice and negligence towards duty; and

2. Whereas a case FIR No. 39/2018 U/S 392 RPC 7/25 A.Act, 30 Police Act read with 3 PEPO was registered at Police Station, R M Bagh and investigation was taken up.

3. Whereas, during the course of investigation site plan of place of occurrence was prepared, and arms ammunition viz AK 47 Rifle No.18068461 and other ammunition and articles were seized as piece of evidence. The guard personnel namely Sgct. Parvaiz Ahmad No. 641/IR 4th Bn (F-Coy), Ct. Hilal Ahmad Sheikh No. 856/IR 4th Bn (E-Coy), Ct. Zameer Ahmad No. 820/IR 4th Bn (A-Coy) , and Ct. Nazir Ahmad No. 817/IR 4th Bn (E-Coy) were taken into custody and questioned and it transpired that the accused have shown sheer cowardice and didn't resist the snatching of weapons and thereby shown negligence towards duty. During the course of investigation it transpired that during an encounter one snatched INSAS Rifle bearing Regd. No. 16372309 has been recovered from two killed terrorists namely 1. Mohammad Altaf Dar @ Altaf Kachroo S/O Gh. Mohammad Dar R/O Hawoora, Mishpora Distt. Kulgam. Accordingly the said INSAS Rifle was collected from concerned Police Station under Court Orders and later on seized in the instant case; and

4. Whereas, during further course of investigation, it transpired that accused terrorists namely Aqib Nazir Chopan, Umer Rashid Wani, Umer Majeed Ganie, Mohd Tahseen Batloo, Mohd Altaf Dar and Mohd Abass Sheikh along with accused OGWs namely Mohd Shafeeq Bhat, Waseem Ahmad Khan and Gulzar Ahmad Rah had conducted a meeting in the house of Mohd Shafeeq Bhat @ Shafeeq Molvi S/O Gh Qadir R/O Diyarwani Batmaloo and conspired that they will snatch the weapons from the guard deployed at Hotel Hill Skirt and accordingly the allied documents viz disclosure statements of accused 1. Mohd Shafeeq Bhat @ Shafeeq Molvi S/O Gh Qadir R/O Diyarwani Batmaloo (OGW) 2- Waseem Khan S/O Gh Mohd

R/O Diyarwani Batmaloo recorded in case FIR No. 173/2018 U/S 307,302,120-B,34 RPC 7/27 A Act, 16,18,19,20,39 ULA(P) of Police Station Batmaloo were obtained and placed on file. The disclosure statement would reveal that on 16-05-2018, terrorists namely Abass Sheikh, Tahseen @ Junaid conducted meeting with Umer Rashid, Aqib Nazir and Umer Majeed Ganie who hatched a criminal conspiracy for snatching the weapon from Police Guard posted at Hotel Hill Skrit Buchwara Dalgate. After snatching the weapon from the above said Hotel, one INSAS bearing No. 16372309 was given to Umer Rashid Wani who was arm less at that moment, while as remaining snatched arms/ammunition were handed over to an unknown person, sent by Mohammad Altaf Dar @ Altaf Kachroo S/O Gh. Mohammad Dar R/O Hawoora Mishpora, who took the arms/ammunition to South Kashmir. Based on the disclosure statement, six (06) accused persons were identified and out of six four have been eliminated in different encounters with security forces and accused Tahseen Ahmad Batloo @ Junaid S/O Ali Mohammad R/O Zaindar Mohalla Habba Kadal, has been arrested while as accused Mohd Abass6 Shiekh S/O Gh Hassan Sheikh R/O Rampora Qaimoh is absconding. During further course of investigation one more suspected person namely Gulzar Ahmad Rah S/O Habibullah R/O Zaindar Mohalla Habakddal was found involved in the instant case who too was arrested; and

5. Whereas, during the course of investigation, on the basis of statement of witnesses, the seizure memos and other evidence, the Investigating Officer established a prima-facie case for the commission of offences punishable u/s 30 Police Act read with 3 PEPO against accused police officials namely:-

1. Sgct. Parvaiz Ahmad No. 641/IR 4th Bn (F-Coy) S/O Gh Hassan Shah R/O Nowdal Tral
2. Ct. Hilal Ahmad Sheikh No. 856/IR 4th Bn (E-Coy) S/O Ab Gaffar R/O Qazipora Chadoora
3. Ct. Zameer Ahmad No. 820/IR 4th Bn (A-Coy) S/O Mohd Yousuf Lone R/O Hurdu Shuchan Anantnag
4. Ct. Nazir Ahmad No. 817/IR 4th Bn (E-Coy) S/O Gh Rasool Baba R/O Chowdhary Gund Chadoora Budgam; and offences u/s 120-B RPC, 18, 19, 39 UAP Act against accused:-
5. Mohd Shafeeq Bhat S/O Gh Qadir R/O Diyarwani Batmaloo (OGW of HM/LeT outfit); and offences u/s 395, 120-B RPC, 18, 19, 39 UAP Act, 7/25 A. Act against accused:-
6. Waseem Ahmad Khan S/O Late Gh Mohd R/O Diyarwani Batmaloo (OGW of HM/LeT outfit); and offences u/s 120-B RPC, 18, 39 UAP Act against accused:-
7. Gulzar Ahmad Rah S/O Habibullah R/O Zaindar Mohalla Habakadal (OGW of HM/LeT outfit); and offences u/s 395, 120-B RPC 18, 20, 39 UAP Act, 7/25 A Act against accused:-
8. Aqib Nazir Chopan S/O Nazir Ahmad R/O Padderpora Qaimoh, (Deceased terrorist); and

offences u/s 395,120-B RPC 18,20,39 UAP Act,7/25 A Act against accused:-

9. Umer Rashid Wani S/O Ab Rashid R/O Khudwani, (Deceased terrorist); and offences u/s 395,120-B RPC18, 20,39 UAP Act,7/25 A Act against accused:-
10. Umer Majeed Ganie S/O Ab Majeed R/O Kulgam (Deceased terrorist); and offences u/s 395,120-B RPC18,39 UAP Act,7/25 A Act against accused:-
11. Mohd Tahseen Batloo S/O Ali Mohd R/O Zaindar Mohalla Habba Kadal Srinagar (active terrorist); and offences u/s 120-B RPC18,20,39 UAP Act against accused:-
12. Mohd Altaf Dar @ Altaf Kachroo S/O Gh. Mohd Dar R/O Hawoora, Mishpora Kulgam (Deceased terrorist); and offences u/s 120-B RPC18,20,39 UAP Act against accused:-
13. Mohd Abass Sheikh S/O Gh Hassan Sheikh R/O Rampora Qaimoh (Active terrorist).

It is pertinent to mention that accused 8, 9,10,and 12 have been killed in different encounters with security forces against whom proceedings would be abated, while as accused No 13 is absconding against whom proceedings u/s 512 Cr.PC have been proposed.

6. 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

7. 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.

8. Whereas, State Government after having examined the relevant records of the case is satisfied that prima facie a case u/s 30 of Police Act, 1983 read with 03 PEPO is made out against the aforementioned accused Police personnel on the basis of evidence collected during the course of investigation.

Now, therefore, in exercise of powers conferred by sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967 & section 5 of the Police Enhanced Penalties ordinance, the State Government hereby accords sanction for launching prosecution against the accused persons namely; 1. Sgct. Parvaiz Ahmad No. 641/IR 4th Bn (F-Coy) S/O Gh Hassan Shah R/O Nowdal Tral 2.Ct. Hilal Ahmad Sheikh No. 856/IR 4th Bn (E-Coy) S/O Ab Gaffar R/O Qazipora Chadoora 3.Ct. Zameer Ahmad No. 820/IR 4th

Bn (A-Coy) S/O Mohd Yousef Lone R/O Hurdu Shuchan Anantnag and 4.Ct. Nazir Ahmad No. 817/IR 4th Bn (E-Coy) S/O Gh Rasool Baba R/O Chowdhary Gund Chadoora Budgam for commission of offences punishable u/s 30 Police Act, r/w 3 PEPO and against accused namely 5. Mohd Shafeeq Bhat S/O Gh Qadir R/O Diyarwani Batmaloo (OGW of HM/LeT outfit) for offences u/s 18, 19, 39 UAP Act and against accused namely 6. Waseem Ahmad Khan S/O Late Gh Mohd R/O Diyarwani Batmaloo) (OGW of HM/LeT outfit) for offences u/s 18,19,39 UAP Act and against accused namely 7. Gulzar Ahmad Rah S/O Habibullah R/O Zaindar Mohalla Habakadal (OGW of HM/LeT outfit) for offences u/s 18,39 UAP Act and against accused namely 8. Mohd Tahseen Batloo S/O Ali Mohd R/O Zaindar Mohalla Habba Kadal Srinagar (Active terrorist) for offences u/s 18, 39 UAP Act and against accused namely 9. Mohd Abass Sheikh S/O Gh Hassan Sheikh R/O Rampora Qaimoh (Active terrorist) for offences u/s 18, 20, 39 UAP Act in case FIR No. 39/2018 of Police Station R.M Bagh, Srinagar.

By order of the Government of Jammu and Kashmir.

Sd/-

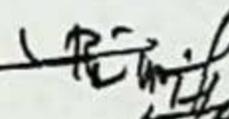
Principal Secretary to the Government,
Home Department

No. Home/Pros/102/2019

Dated: 22.10.2019

Copy to:-

1. Director General of Police, J&K Srinagar. This has reference to his letter No. Legal/Sanc-14/S/201936208-10 dated 19/06/2019. 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.


22.10.19.
Under Secretary to the Government
Home Department