



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

NOTIFICATION
Srinagar, the 25th October, 2019

SRO 648 -Whereas, on 26.02.2018 accused Mushtaq Ahmad Chopan and other accused who were lodged at Police Lockup of Police Station Tral came out of the Lockup for taking lunch, accused Mushtaq Ahmad Chopan instead of taking lunch stated that he has to attend nature's call and went inside a bathroom and after some time, a Burka clad person came out from toilet block and crossed the Main Gate of Police Station Tral. As no lady wearing Burka has visited Police Station Tral on 26.02.2018. The incharge Guard/ Sentry of the main gate asked the person to stop but he managed to cross the Gate, one SgCt coming towards Police Station Tral from outside Camps managed to hold the escapee and in the meantime, explosion took place, as a result of which, said SgCt. Namely, Mehraj-ud-din No. 405/Awt and escapee got seriously injured and later escapee succumbed to his injuries; and

2. Whereas, a case FIR No. 20/2018 U/S 221, 224 RPC 18, 20 ULA (P) Act and 7/27 A. Act was registered at Police Station Tral and investigation was taken up; and

3. Whereas, during investigation, it came to fore that in pursuance of a well-knit criminal conspiracy hatched by some active terrorists of banned terrorist organisation Hizb-Ul-Mujahedeen (HM) with deceased and some other persons, to effect the escape of accused Mushtaq Ahmad Chopan from Police custody, a Burka, Ladies Dress, Pistol and Grenade was managed in premises of Police Station Tral, through Zaina Begum taking advantage of the fact that ladies were not being subjected to body search or scan by gadgets at the main Gate of said Police Station. The garments which were wore by deceased before changing them with the ladies dress were recovered from the said bathroom and one Pistol and two magazines and 13 live cartridges were recovered/ seized from escapee's dead body which were hidden in the wrist belt wore by him; and

4. Whereas, during further investigation, it came to fore that active terrorists of banned terrorist organization Hizb-Ul-Mujahedeen (HM) namely; Umar Fayaz Lone alias Hammad Khan; Mohammad Irfan Rather; Mohammad Qasim and Shakoor Ahmad Parray have provided the recovered Arms/Ammunition to Mohammad Shafi Khan and Zaina Begum who managed same inside the premises of Police Station Tral to be used by Mushtaq Ahmad Chopan (Deceased) for managing his escape from the Police Custody. Mohammad Shafi Khan and Mst. Zaina Begum succeeded in handing over the illegally obtained Arms/Ammunition together with lady wearing clothes to Mushtaq Ahmad Chopan (Deceased). Also during investigation, carelessness/derelection and negligence towards their duties has been found on part of Head Constable Abdul Rehman Malik and Head Constable Ghulam Mohammad Itoo; 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 against the accused person namely 1. Mushtaq Ahmad Chopan S/o Ghulam Ahmad Chopan R/o Wahgad Tehsil Tral District Pulwama for the commission of offences punishable under Sections 307, 224 RPC, 7/27 A. Act and 16, 18, 20 & 38 of the Unlawful Activities (Prevention) Act 1967 and against accused namely; 2. Umar Fayaz Lone alias Hammad Khan S/o Fayaz Ahmad Lone R/o Seer Jageer Tehsil Tral District Pulwama 3. Mohammad Irfan Rather S/o Ghulam Hassan Rather R/o Shariefabad Tehsil Tral District Pulwama 4. Mohammad Qasim Shah S/o Ghulam Mohammad Shah R/o Midoora Tehsil Tral District Pulwama 5. Shakoor Ahmad Parray S/o Ghulam Nabi R/o Laribal Tehsil Tral District Pulwama (neutralized terrorist) for the commission of offences punishable under Sections 307 RPC, 7/25 A. Act and 16, 18, 20 & 38 of the Unlawful Activities (Prevention) Act 1967 and against accused namely; 6. Mohammad Shafi Khan S/o Abdul Rahim Khan R/o Handoora Tehsil Tral District Pulwama 7. Mst. Zaina W/o Mohammad Shafi Khan R/o Handoora Tehsil Tral District Pulwama under sections 7/25 Arms Act and 18 & 20 Unlawful Activities (Prevention) Act 1967 and against accused 8. HC Abdul Rehman Malik S/o Ali Mohammad Malik R/o Inder Tehsil and District Pulwama PID No. EXK-901691 9. HC Ghulam Mohammad Itoo S/o Abdul Satar Itoo R/o Kreeri Shangus Anantnag PID No. EXK-891486 under sections 223 RPC and 30 Police Act read with 3 Police Enhanced Penalties Ordinance. The accused no. 1 & 5 have been eliminated in different encounters and no sanction is required against them; and

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 w/s 30 of Police Act, 1983 read with 03 PEPO of 2005 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, and in the exercise of powers conferred by section 5 of the Police Enhanced Penalties ordinance, 2005, the Government hereby accords sanction for launching prosecution against the following accused persons for the commission of offences shown against each, arising out of case FIR No. 20/2018 of Police Station Tral;-

S.No	Name of Accused Person	Section(s) of Law
1.	Umar Fayaz Lone alias Hammad Khan S/o Fayaz Ahmad Lone R/o Seer Jageer Tehsil Tral District Pulwama.	16,18,20 & 38 ULA(P) Act
2.	Mohammad Irfan Rather S/o Ghulam Hassan Rather R/o Shariefabad Tehsil: Tral District Pulwama.	16,18,20 & 38 ULA(P) Act
3.	Mohammad Qasim Shah S/o Ghulam Mohammad Shah R/o Midoora Tehsil Tral District Pulwama	16,18,20 & 38 ULA(P) Act
4.	Mohammad Shafi Khan S/o Abdul Rahim Khan R/o Handoora Tehsil Tral District Pulwama.	18 & 20 ULA (P) Act
5.	Mst. Zaina W/o Mohammad Shafi Khan R/o Handoora Tehsil Tral District Pulwama.	18 & 20 ULA (P) Act
6.	Head Constable Abdul Rehman Malik S/o Ali Mohammad Malik R/o Inder Tehsil: Pulwama District Pulwama PID No. EXK-901691.	30 Police Act read with 3 Police Enhanced Penalties Ordinance
7.	Head Constable Ghulam Mohammad Itoo S/o Abdul Satar Itoo R/o Kreeri Shangus Anantnag PID No. EXK-891486,	30 Police Act read with 3 Police Enhanced Penalties Ordinance

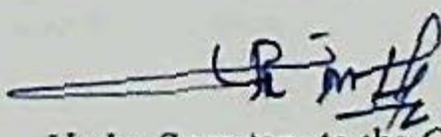
By order of Government of Jammu and Kashmir.

Principal Secretary^{Sd/-} to the Government
Home Department
Dated: 25/10/2019

No. Home/Pros/38/2019

Copy to:-

1. Director General of Police, J&K, Srinagar. This has reference to his letter No. Legal/Sanc-133/S/2018/690-92 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.7.s.c.)
3. Private Secretary to Principal Secretary to the Government, Home Department.
4. Stock file
- 5.


Under Secretary to the Government
Home Department