

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

**NOTIFICATION**

Jammu, the 7<sup>th</sup> April, 2020

- SO-120 : - Whereas, on 27-08-2019 two persons near Govt Hospital Delina came to be intercepted but they opened fire on police party. The Police party retaliated; and
2. Whereas, the two suspects after firing tried to flee from the spot, but failed, and they were apprehended near Karawah Delina. The accused were identified as Mohammad Iqbal Naikoo S/O Abdul Ahad Naikoo R/O Suhail Colony Old Town Baramulla and Adil Nazir Dar S/O Nazir Ahmad Dar R/O Ganie Hamam Old Town Baramulla; and
  3. Whereas, arms & ammunition was recovered from the possession of accused Mohammad Iqbal Naikoo and Adil Nazir Dar comprising one AK-47 rifle along with Magazine, 10 Rds of AK-47 rifle, one Chinese Pistol, one Pistol Magazine and 10 Pistol Rds; and
  4. Whereas, a case FIR No. 147/2019 U/S 307-RPC, 7/27 I.A. Act, 10,13,16,20 Unlawful Activities (Prevention) Act 1967, came to be registered in Police Station Baramulla and investigation was taken up; and
  5. Whereas, during investigation site plan and seizure memos were prepared and statement of witnesses acquainted with the facts and circumstances of the case also, recorded U/S 161 & 164-A CrPC; and
  6. Whereas, during further investigation it surfaced that the AK 47 rifle bearing registration No. K10013/470 alongwith magazine and rounds recovered from the accused was the same which had been snatched by the militants from one of the injured Police Personnel during the encounter taken place at Ganie Hamam Old Town Barasmulla on 21-08-2019; and
  7. Whereas, during the course of investigation, Police concerned inspected the encounter site and recovered eight empty cartridges of AK-47 rifle and two empty cartridges of pistol and sent to CFSL Chandigarh for ballistic examination. The opinion received revealed that the empty cartridges had been fired from the same weapons, which had been recovered from the above accused persons; and

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8. Whereas, during further investigation, mobile phone (I-Phone) recovered from the possession of accused Mohammad Iqbal Naikoo was sent to FSL Srinagar for examination of call data. The data retrieved from the calls of the accused corroborated that accused had been in contact with other militants of the area especially with militants of Jaish-e-Mohammad outfit; and

9. Whereas, during investigation, the accused disclosed that arms and ammunition had been provided to them by a militant namely Shakeel Ahmad Ganaie for subversive activities in the area who too was arrested in connection with the case, and he revealed that he was in touch with a militant namely Abu Talha Haider of JeM operating from PoK through social media; and

10. Whereas, on the basis of statements of witnesses, the seizure memo and other evidence, the investigating officer has established a prima facie case against the below mentioned accused for commission of offences as indicated against each; and

S.No.	Name of the accused	Offence
1.	Mohammad Iqbal Naikoo S/O Abdul Ahad Naikoo R/O Suhail Colony Old Town Baramulla	10,13,16,20 ULA (P) Act
2.	Adil Nzair Dar S/O Nazir Ahmad Dar R/O Ganie Hamam Old Town Baramulla	
3.	Shakeel Ahmad Ganie S/O Gh Mohammad Ganie R/O Bachi Trikanjan Boniyar Baramulla	

11. Whereas the Authority appointed by the Government under sub-section (2) of section 45 of Unlawful Activities (Prevention) Act, 1967, has independently examined the Case Diary file and all other relevant documents relating to the case and has come to the conclusion that prima facie case is made out against the accused persons; and

12. Whereas, after perusing the Case Diary File, the relevant documents and also taking into consideration the views of the Authority appointed under sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the 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;

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Now, therefore, in exercise of powers conferred by sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the Government hereby accords sanction for launching prosecution against the above named persons u/s 10,13,16,20 ULA(P) Act of Unlawful Activities (Prevention) Act, 1967, in case FIR No 147/2019 of Police Station Baramulla.

By order of the Government of Jammu and Kashmir.

Sd/-

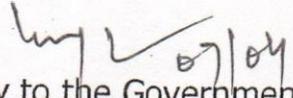
Principal Secretary to Government  
Home Department

No. Home/Pros/14/2019

Dated: 07 .04.2020

**Copy to: -**

1. Director General of Police, J&K Jammu. 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