

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

NOTIFICATION

Jammu, the 15th January, 2020

S.O:- 23 Whereas, on 14.11.2017 Police Station Qazigund received a docket from Dy.SP (OPS), Manzgam camp Halnoo Kund to the effect that on a reliable information District Police Kulgam along with Army and CRPF cordoned village Halnoo Kund and during the cordon, the terrorists opened fire and hurled grenades with the intention to kill Police personnel/ security forces. The fire was retaliated in self defence and during cross firing one terrorist namely Muzamil Manzoor Dar @ Maz S/O Manzoor Ahmad Dar R/O Budroo Yaripora Kulgam was killed on spot who was also involved in killing of SHO Police Station Achabal Anantnag while as another terrorist got injured who has been taken by other terrorist in the adjacent forest area. Further during firing one Army personnel namely Munjinder Singh No. 19007642-H of 10 Sikh Regiment got killed and one escort personnel of SSP Kulgam namely ct. Fidda Hussain No. 718/Kgm got injured ; and

2. Whereas, a case FIR No. 313/2017 U/S 302,307, RPC 7/27 A. Act 13, 18,20,38,39 ULA (P) Act was registered at Police Station Qazigund and investigation taken up; and

3. Whereas, during the course of investigation one terrorist namely Atta Mohd Malik @ Altaf S/O Bashir Ahmad Malik R/o Ringhat Damhal who had suffered bullet injuries was arrested, arms/ammunition from his possession were recovered and seizure memo was prepared. During further investigation an OGW namely Bilal Ahmad Sheikh S/o Gh. Mohd Sheikh R/o Rampora Qaimoh was arrested in the case who disclosed that he has provided assistance to the terrorists of LeT outfit in their unlawful activities, facilitating their movement from one place to another, in arranging food and shelter for them and accordingly the disclosure memo was prepared. Also communication apparatus from the house of one Manzoor Ahmad Bhat S/o Mohd Ramzan Bhat R/o Halnoo Kund was recovered on his disclosure statement. Accordingly the said person was arrested for harboring the terrorists. Investigation conducted also revealed that 04 OGW's namely Faheem Ahmad Wagay S/o Ab. Salam Wagay; Khalid Nazir Wagay S/o Nazir Ahmad Wagay; Rouf Ahmad Sheikh @ Rouf Molvi S/o Gh. Nabi Sheikh (Residents of Rampora Qaimoh) and Majid Rafiq Itoo S/o Mohd Rafiq Itoo R/o Baghi-Wanpoh played an active role in facilitating these terrorists to reach at Halnoo Kund and accordingly were arrested in the case. During investigation accused Majid Rafiq Itoo disclosed that he facilitated the transportation of terrorists by boarding them in a vehicle XYLO No. JK18/4920 of Rayees Maqbool Bhat S/o Mohd Maqbool R/o Baghi-Wanpoh to Halnoo Kund; and

4. 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 persons namely:- 1. Shamsul- Waqar @ Paira S/O

Mohd Amin Teli R/O Ganjipora 2. Muzamil Manzoor Dar @ Maz S/O Manzoor Ahmad Dar R/O Budroo Kulgam (Killed) 3. Javaid Ahmad Bhat S/O Ali Mohd Bhat R/O Redwani 4. Aijaz Ahmad Makroo S/O Gh Rasool Makroo R/ Ghat Qaimoh 5. Atta Mohd Malik @ Altaf S/O Bashir Ahmad Malik R/O Ringhat Damhal 6. Amir Hussain Mir @ Hyder S/O Mohd Yousuf Mir R/O Check-I-Cholina Shopian 7. Abu Maviya R/O Pakistan (Killed) Terrorist of LeT outfit under sections 302,307,34 RPC 7/27 A Act and 13,16,18,20,38,39 of Unlawful Activities (Prevention) Act 1967 and against accused 8. Bilal Ahmad Sheikh S/O Gh Mohd Sheikh R/o Rampora Qaimoh 9. Faheem Ahmad Wagay S/O Ab Salam Wagay R/o Rampora Qaimoh 10. Khalid Nazir Wagay S/O Nazir Ahmad Wagay R/o Rampora Qaimoh 11. Rouf Ahmad Sheikh @ Molvi Rouf S/O Gh Nabi R/o Rampora Qaimoh 12. Majid Rafiq Itoo S/O Mohd Rafiq itoo, R/O Baghi-Wanpoh 12. Rayees Maqbool Bhat S/O Mohd Maqbool R/O Baghi-Wanpoh under sections 13,18,20 of Unlawful Activities (Prevention) Act 1967 and against accused 13. Manzoor Ahmad Bhat S/O Mohd Ramzan Bhat R/O Halnoo Kund Under Sections 212 RPC 19 of unlawful Activities (Prevention) Act 1967. Further the accused Muzamil Manzoor Dar @ Maz S/O Manzoor Ahmad Dar R/o Budroo Kulgam and Abu Maviya S/O Un-Known R/O Pakistan have been killed in different encounters with the security forces. While as, the accused Javid Ahmad Bhat S/O Ali Mohammad Bhat R/O Redwani, Ajaz Ahmad Makroo S/O Gh. Rasool Makroo R/O Ghat Qaimoh and Amir Hussain Mir @ Hyder S/O Mohammad Yousuf Mir R/O Check-I-Cholina Shopian are absconding against whom proceedings U/S 512 Cr. PC have been proposed; and

5. Whereas, the Authority appointed by the Govt. of Jammu and Kashmir 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 excluding accused 2 and 7 indicated in Para above, as they have been killed in different encounters with the security forces during various counter insurgency operations; 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 Govt. of Jammu and Kashmir 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.

Now, therefore, in exercise of powers conferred by sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the Govt. of Jammu and Kashmir hereby accords sanction for launching prosecution against the following accused persons for the commission of offences indicated against each of Unlawful Activities (Prevention) Act, 1967 arising out of FIR No.313/2017 of P/S Qazigund:-

S.No	Name of the accused	Sections of Law
1	Shamsul-Waqar @ Paira S/O Mohd Amin Teeli R/o Ganjipora	13, 16, 18, 20, 38, 39 ULAP Act.

2	Javaid Ahmad Bhat S/O Ali Mohd Bhat R/O Redwani	
3	Aijaz Ahmad Makroo S/O Gh Rasool Makroo R/O Ghat Qaimoh	
4	Atta Mohd Malik @ Altaf S/O Bashir Ahmad Malik R/o Ringhat Damhal	
5	Amir Hussin Mir @ Hyder S/O Mohd Yousuf Mir R/O Check-I-Cholina Shopian	
6	Bilal Ahmad Sheikh S/O Gh Mohd Sheikh R/o Rampora Qaimoh	13,18 and 20 of ULAP
7	Faheem Ahmad Wagay S/O Ab Salam Wagay R/o Rampora Qaimoh	
8	Khalid Nazir Wagay S/O Nazir Ahmad Wagay Ro Rampora Qaimoh	
9	Rouf Ahmad Sheikh @ Molvi Rouf S/O Gh Nabi R/O Rampora Qaimoh	
10	Majid Rafiq itoo S/O Mohd Rafiq R/o Baghi-Wanpoh	
11	Rayees Maqbool Bhat S/O Mohd Maqbool R/O Baghi Wanpoh	
12	Manzoor Ahmad Bhat S/O Mohd Ramzan Bhat R/O Halnoo Kund	19 ULAP

By order of the Government of Jammu and Kashmir.

Sd/-

Principal Secretary to the Government
Home Department

Dated: 15.01.2020

No. Home/Pros/26/2018

Copy to:-

1. Director General of Police, J&K, Jammu. This has reference to his letter No.Legal/Sanc-10/S/2018/23210-11 dated 12/03/2018 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.

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Under Secretary to the Government
Home Department