

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

NOTIFICATION

Jammu, the 7th January, 2020

SO 07.-Whereas on 16.05.2019, Police Station Pulwama received a written docket through SPO Yasir Mehmood No. 136/SPO to the effect that Police Party Pulwama along with, Army 55 RR, 10 Para, CRPF 182 and 183 BN cordoned off the village Dalipora after receiving credible inputs about the presence of terrorists in the village, who were planning to disturb the peace and tranquility of the area. While conducting the search of the house of one Mohammad Altaf S/O Ghulam Hassan Dar R/O Dalipora Pulwama, terrorists present inside the house started firing on security forces, thus triggering an encounter on spot.; and

2. Whereas a case FIR No. 92/2019 U/S 307 RPC 7/27 A.Act was registered at P/S Pulwama and investigation of the case was taken up; and

3. Whereas, during the course of investigation, site plan of place of occurrence was prepared. In the ensuing cross firing three army men and two civilians sustained bullet injuries from whom injured Sepoy Sandeep Singh No. 2708224-N of 55 RR and Civilian namely; Rayees Ahamd Dar S/O Jilal-Ud-Din Dar R/O Pakherpora A/P Dalipora succumbed to their injuries. The ensuing gunfight also resulted in the killing of three terrorists identified as Naseer Ahmad Pandith S/O Mohammad Rajab Pandith R/O Kareemabad, Umer Ahmad Mir S/O Ali Mohammad Mir R/O Batipora Shopian and Khalid Bhai R/O Pakistan. During the course of investigation arms / ammunition were also recovered. Investigation conducted revealed that accused house owner Mohammad Altaf S/O Gh. Hassan Dar R/O Dalipora Pulwama had voluntarily concealed the information of presence of terrorists in his house and provided logistic support to the hiding terrorists to commit subversive activities. The said accused did not disclose accurate information about his house which resulted into fatal casualties of a SF personnel and a civilian; and

4. Whereas, based on the evidence collected, and the statements recorded U/S 164-A Cr.PC, the investigating officer has established a prima facie case under section 307, 302 RPC, 7/27 A. Act, 13 ULA(P) Act 1967, against the accused Naseer Ahmad Pandith S/O Mohammad Rajab Pandith R/O Kareemabad, Umer Ahmad Mir S/O Ali Mohammad Mir R/O Batipora Shopian and Khalid Bhai R/O Pakistan and offences u/s 13,15,18,19,39 against Mohammad Altaf S/O Gh. Hassan Dar R/O Dalipora Pulwama. It is pertinent to mention that accused Naseer Ahmad Pandith, Umer Ahmad Mir



& Khalid Bhai had been killed in the same encounter and prosecution sanction is not required against them; and

5. Whereas, the Authority appointed by the Government of Jammu & 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 person; 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 Government of Jammu and Kashmir is of the view that there is sufficient material and evidence available against the accused person for his prosecution under the aforesaid provisions of law.

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the Government of Jammu and Kashmir hereby accords sanction for launching prosecution against the accused person namely; Mohammad Altaf S/O Ghulam Hassan Dar R/O Dalipora Pulwama for the commission of offences punishable U/S 13,15,18,19,39 of Unlawful Activities (Prevention) Act, 1967, in case FIR No. 92/2019 of Police Station Pulwama.

By order of the Government of Jammu and Kashmir.

Sd/-

Principal Secretary to the Government
Home Department

Dated: 07.01.2020

No. Home/Pros/155/2019

Copy to:-

1. Director General of Police, J&K Srinagar. This has reference to his letter No. Legal/Sanc-75/S/2019/55585-87 dated 14.09.2019. 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.

 07.01.20.

Under Secretary to the Government
Home Department