

Government of Jammu and Kashmir
Home Department
Civil Secretariat, J&K

NOTIFICATION

Jammu, the 23rd February, 2023.

S. O. 99 -Whereas, on 01.09.2022, a reliable information was received by the Police Station, CIK, Kashmir, to the effect that handlers of terrorist and secessionist organizations sitting in Pakistan in criminal conspiracy with the members of proscribed terrorist organizations operating in the UT of J&K, have created a module of over-ground workers for aiding, abetting, assisting, harbouring and providing logistic support to the terrorists and secessionist organization with the intention to further terrorist and unlawful activities in the UT of J&K and to wage war against the Government of India, besides, the perpetrators are primarily switching to encrypted internet messaging platforms and other software applications to stay in touch with the members of terrorist organizations while maintain secrecy with adversary; and

2. Whereas, based on the above, a Case FIR No. 16/2022 U/S 13,18,19,38,39,40 of ULA (P) Act and 120-B, 121 IPC was registered in the Police Station, CIK, Kashmir, and the investigation of the case was set into motion. Subsequently, during the investigation, the offences under Sections, 19 and 40 of ULA (P) Act were dropped from the case; and

3. Whereas, during the investigation, two persons namely Umar Mushtaq Khan S/O Mushtaq Ahmad Khan R/O Begum Bagh, Pulwama and Murtaza Rashid Dar @ Rameez S/O Abdul Rashid Dar R/O Sambora, Kakapora, were found involved in the commission of crime. Subsequently, the accused were arrested and were found in

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23/02/2023.

contact with a Pakistani based terrorist of JeM banned outfit namely Ali Kashif Jan @ Jan Ali Kashif @ Ilyas Kashif S/O Gowhar Ali R/O Doisrah, Charsadda, Khyber, Pakhtunwa, Pakistan, through the social media. The accused viz Umar Mushtaq Khan, on the directions of accused viz Murtaza Rashid Dar @ Rameez, procured 02 Pistols, 02 hand grenades and 30 9MM live rounds from a car washing service ramp on Srinagar-Pulwama road near Samboora and handed over the same to an unknown terrorist at Pahoo bridge, Pulwama; and

4. Whereas, during the investigation, one more person namely Sajad Ahmad Dar S/O Gh. Nabi Dar R/O Dethu, Herpora, Anantnag, was found involved in the commission of crime. Subsequently, the said accused was also arrested and it was found that he crossed the LOC in the year 2002 for obtaining illegal arms/ammunition and returned in the year 2014. The accused was subsequently, arrested by the Police and after release he came in contact with a Pakistan based terrorist of TuM banned outfit namely Khalid Saifullah, and on his directions the accused viz Sajad Ahmad Dar, procured 01 Pistol with magazine, 02 hand grenades and 08 rounds from an unknown person at Qaimoh and handed over the same to some unknown terrorists on the directions of the said Pakistan based terrorist; and

5. Whereas, during the investigation, it was established that the accused viz Umar Mushtaq Khan, Murtaza Rashid Dar @ Rameez and Sajad Ahmad Dar, were in contact with the Pakistan based terrorists namely Ali Kashif Jan @ Jan Ali Kashif @ Ilyas Kashif and Khalid Saifullah, through the social media and were working for them in order to promote terrorist activities, besides,

under a well knit criminal conspiracy procured arms/ammunition and hand grenades from some unknown persons for further distribution among the terrorists for carrying out the terrorist activities in the valley and to wage war against the Government of India; and

6. Whereas, the investigation, of the case shall continue to ascertain the identity of the other accused and to bring out their role/involvement in the case and the supplementary charge sheet against them would be files in the court of competent jurisdiction; and

7. Whereas, on the basis of the investigation, the statement of witnesses recorded and other evidence collected, the Investigating Officer, has established prima facie involvement of the below mentioned accused for the commission of offences punishable in terms of the provisions of the Unlawful Activities (Prevention) Act, 1967, and Indian Penal Code, as shown against their name:-

S. No.	Name of the accused	Offence
1.	Umar Mushtaq Khan S/O Mushtaq Ahmad Khan R/O Begum Bagh, Pulwama	13,18,38,39 ULA (P) Act
2	Murtaza Rashid Dar @ Rameez S/O Abdul Rashid Dar R/O Sambora, Kakapora	121 IPC
3	Sajad Ahmad Dar S/O Gh. Nabi Dar R/O Dethu, Herpora, Anantnag.	
4	Ali Kashif Jan @ Jan Ali Kashif @ Ilyas Kashif S/O Gowhar Ali R/O Doisrah, Charsadda, Khyber, Pakhtunwa, Pakistan.	18, 38 ULA (P) Act

8. Whereas, the accused viz Ali Kashif Jan @ Jan Ali Kashif @ Ilyas Kashif, is absconding and the proceedings u/s 299 Cr.PC have been proposed to be initiated against him; and

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

10. 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 above mentioned accused for their prosecution under the provisions of law; and

11. Whereas, the Government has independently examined the Case Diary file and all the other relevant documents relating to the case and has come to the conclusion that prima facie case is made out against the above accused under the aforementioned provision of the Indian Penal Code (IPC): and

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 45 the Unlawful Activities (Prevention) Act, 1967, and Section 196 of the Code of Criminal Procedure, 1973, the Government hereby accord sanction for launching prosecution against the accused viz Umar Mushtaq Khan, Murtaza Rashid Dar @ Rameez, Sajad Ahmad Dar and Ali Kashif Jan @ Jan Ali Kashif @ Ilyas Kashif, for the commission of offences punishable under the

relevant Sections as indicated against the each accused at Para (7) above, arising out of FIR No. 16/2022 of Police Station, CIK, Srinagar.

By Order of the Government of Jammu and Kashmir.

Sd/-
(R.K. Goyal) IAS
Financial Commissioner/
Additional Chief Secretary

No:-Home/Pros/54/S/2023

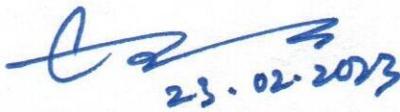
Dated:23.02.2023.

Copy to the:-

1. Director General of Police, J&K, for favour of information.
2. Special Director General of Police, CID(SIA) J&K, alongwith CD file in original.
3. Secretary to the Government, Department of Law, Justice PA.
4. PS to Financial Commissioner, (ACS), Home Department.
5. Stock file.

Copy also to the:-

Additional Secretary (JKL), Ministry of Home Affairs, GoI. New Delhi.


23.02.2023
Deputy Legal Remembrancer
Home Department
23/02/2023.