



Government of Jammu and Kashmir
Home Department

Notification

Srinagar, the 11th August, 2018

SRO 343- Whereas, on 25.02.2018, Police Station, Chari-e-Sharief received an information through reliable sources that some unknown gunman fired upon Selection Grade Constable, Kultar Singh No. 441/AP-13th Bn, deployed for guard duty at the Shrine of Sheikh Noor-du-Din Noorani (RA) at Chari-e-Sharief, with the intension to kill him and snatch his service rifle and in the incident the said constable got injured seriously; and

2. Whereas, in this connection, a case FIR No. 06/2018 U/S 392, 7/27, Arms Act, 1959 came to be registered in the Police Station, Chari-e-Sharief; and

3. Whereas, during the course of investigation, Investigating Agency visited the spot and took the injured constable to hospital for treatment. The Investigating Officer(I.O) prepared injury memo/site plan and recorded the statements of witnesses. The injured SG Constable after being given the first aid at SDH Chari-e-Sharief, was referred to 92- Base Army Hospital, Badamibagh, Srinagar for specialized treatment. However, he succumbed to his injuries and, accordingly, section 302 RPC was added in the case; and

4. Whereas, during further investigation, empty cartridges recovered on the spot and the clothes of the deceased were sent to FSL Jammu/Srinagar for expert analysis and opinion. Besides, a Maruti-Eco Van bearing Registration No. JK13C-5191 was found unattended and parked at Talab-e-Kalan, Chari-e-Sharief opposite to Yatri Nivas in a suspicious manner without number plate in the front and a moulded number plate at the rear of the vehicle which was accordingly seized. On ascertaining the particulars of the owner of the said vehicle, the driver namely Umar Farooq Mir S/o Farooq Ahmad Mir R/o Kawoosaibagh, Kakapora was arrested who revealed that on the day of occurrence, he alongwith other five accused persons namely 1. Tawheed Basheer Rather S/o Bashir Ahmad Rather R/o Laterbal Pampore 2. Mudasir Ahmad Wani S/o Gulzar Ahmad Wani R/o Laterbal Pampore 3. Imran Feroz Khan S/o Feroz Ahmad Khan R/o Hassan Wani Pulwama 4. Shahid Khursheed Rather S/o Khursheed Ahmad Rather R/o Zagigam Rajpora Pulwama and 5. Shahid Mushtaq Baba S/o Mushtaq Ahmad Baba R/o Drabgam Pulwama hatched conspiracy near Government Degree College, Pulwama and boarded the same vehicle. They also removed the front number plate of the vehicle and moulded the rear number plate near Eidgah,

Gadoora, while as, the accused No. 4 was driving his own motor cycle (Hero Honda) Splender without registration number and left for Chari-e-Sharief to execute their plan. On reaching Chari-e-Sharief, the accused persons parked the vehicle and Motor Cycle alongside the road and entered into the premises of Shrine from the Main Gate and executed the plan by firing on the sentry Sgt. Kultar Singh at rear bunker by a pistol, snatched his SLR rifle and fled from the spot ; and

5. Whereas, in the course of investigation, it was also found that the accused persons were affiliated with Terrorist Organization namely JeM outfit as such sections 16,18 and 20 ULA(P) Act-1967 were also added in the case ; and

6. Whereas, during further course of investigation, the CDR of the accused persons were obtained, which indicated that on the day of occurrence all the accused persons had come to Chari-e-Sharief together for execution of their plan. The CCTV footage from Petrol Pump Zaloosa, Chari-e-Sharief, where the accused persons have filled fuel in their vehicles, was also obtained which has been preserved in a pen drive and sealed in presence of Executive Magistrate. Both the vehicles were seized. Statements of some witnesses were recorded before the Magistrate U/S 164- A CrPC and proceedings for forfeiture of vehicle Maruti Eco van bearing No. JK13C-5191 were initiated and the matter in this regard is pending with the Competent Authority; and

7. Whereas, the identification parade of the accused persons was also conducted in presence of the Executive Magistrate 1st Class Chari-e-Sharief. All the accused persons except one accused namely Shahid Mushtaq Baba S/o Mushtaq Ahmad Bab R/o Drabgam Pulwama (who is still active militant of JeM outfit and is absconding with snatched SLR rifle) have been arrested. Further, on the basis of the birth certificate, one of the accused namely, Shahid Khursheed Rather S/o Khursheed Ahmad Rather R/o Zagigam Rajpora Pulwama was found to be a Juvenile as such, was lodged in Juvenile Home, Harwan, Srinagar . However, he stands bailed out by the Hon'ble Court; and

8. Whereas, during the course of investigation, 08 mobile phones were recovered from the accused and have been sent to CFSL, Chandigarh for expert analysis and the report in this regard is awaited ; and

9. Whereas, the investigation of the case has finally been concluded as challan U/S 302,392,120-B RPC 7/27 A Act and section 16,18,20, ULA (P) Act against accused persons ;and

10. 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 (CD) 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 sanction for launching prosecution against the

accused persons in terms of the relevant provisions of the Unlawful Activities (Prevention) Act, 1967, and

11. 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.

12. Now, therefore, in exercise of powers conferred by sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the State Government hereby accords sanction for launching prosecution against the below mentioned accused for the commission of offences punishable under sections 16, 18 and 20 of the Unlawful Activities (Prevention) Act, arising out of FIR No. 06/2018 in Police Station, Chari-e-Sharief:-

1. *Umar Farooq Mir S/o Farooq Ahmad Mir R/o Kawoosaibag Kakpora*
2. *Tawheed Bashir Rather S/o Bashir Ahmad Rather R/o Laterbal Pampore*
3. *Mudasir Ahmad Wani S/o Gulzar Ahmad Wani R/o Laterbal Pampore*
4. *Imran Feroz Khan S/o Feroz Ahmad Khan R/o Hassanwani Pulwama*
5. *Shahid Khursheed Rather S/o Khursheed Ahmad Rather R/o Zagigam Rajpora Pulwama*
6. *Shahid Mushtaq Baba S/o Mushtaq Ahmad Baba R/o Drabgam Pulwama.*

By Order of the Government of Jammu and Kashmir.

Sd/-

(R.K.Goyal)IAS

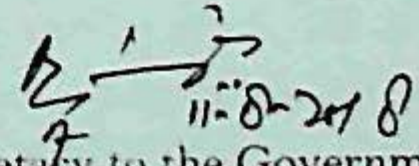
Principal Secretary to the Government
Home Department

Dated 11.08.2018

No. Home/Pros/46/2018

Copy to:-

1. Director General of Police, J&K, Jammu. This has reference to his letter No. Legal/Sanc-28/S/2018/47184-86 dated 07/07/2018. 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.


Deputy Secretary to the Government
Home Department