



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

NOTIFICATION

Jammu, the 16th Nov., 2018

SRO 507.- Whereas, on 11-05-2018, P/S Budgam received a written docket from I/C Police Post Soibugh to the effect that he received a phone call from the minority guard Wadwan, Soibugh to the effect that some unknown terrorists with their illegally acquired automatic weapons have fired upon the personnel of minority guard, Wadwan with an intention to kill and loot weapons resulting in on the spot death of incharge guard, Sg.Ct Shamim Ahmad Dar. The fire was retaliated by the police personnel but they managed to escape from the spot; and

2. Whereas, in this connection, case FIR No. 111/2018 u/s 302,307,395,511 RPC, 7/27 A Act was registered in Police Station Budgam and investigation taken up; and

3. Whereas, during the course of investigation, site plan was drafted and during search, three empty cartridges were seized from the spot of occurrence and seizure memo was prepared. The dead body of the deceased Sg.Ct. Shamim Ahmad No. 834/BD (EXK-981992) was handed over to legal heirs for last rites after completing the medico-legal formalities; and

4. Whereas, during the course of investigation, it was established that unknown assailants were identified as Dawood Ahmad Sofi S/O Gh Nabi Sofi R/O Zainakote Srinagar & Majid Manzoor Dar S/O Manzoor Ahmad Dar R/O Telangam Pulwama, both belonging to banned militant outfit of ISJK. It was further established that the said militants were accompanied by the OGW's of their organization who were later identified as Tawsef Ahamd Kumbay S/O Gh Mohd Kumbay, Nazir Ahmad Kumbay S/O Gh Mohd Kumbay R/O Warasangam, Dawood Ahamd Ganie S/o Ali Mohd Ganie R/O

Soibugh, Mohd Iqbal Dar S/o Gh Mohd Dar R/O NasrullahPora, Sahil Rehman Lone S/o Ab Rehman Lone R/O Kawdara Sringar and Suhaib-Bin Shafi S/o Mohd Shafi kaloo R/O Kawdara Srinagar. It was further found that two of the involved OGWs namely, Dawood Ahamd Ganie S/o Ali Mohammad Ganie R/O Soibugh and Tawseef Ahmad Kumbay S/o Gh. Mohamamd Kumbay R/o Warassangam were arrested at an MVCP with 2 RR at Rajbagh on 18-06-2018. Upon Questioning, two live hand grenades were recovered on their disclosure. The arrested duo in their disclosure confirmed the involvement of the third accused identified by the eye witnesses and further disclosed the facilitation provided by three more accused who arranged and drove vehicles apart from carrying out reconnaissance of the target location prior to the act and were accompanying the active terrorists of ISJK namely, Dawood Ahamd Sofi S/o Gh Nabi Sofi R/O Zainakot, Srinagar Majid Manzoor Dar S/O Manzoor Ahmad Dar R/O Telangam, Pulwama when the group attacked the Guard Post with intent to kill policemen and loot weapons; and

5. Whereas, On 24-06-2018, two more accused OGW's Nazir Ahamd Kumbay S/O Gh Mohammad Kumbay R/O Warasangam and Mohd Iqbal Dar S/O Gh. Mohammad Dar R/O Nasrullahpora were arrested from village Nasrullahpora and arrest memo was drafted and the remand was obtained from the Hon'ble Court and upon their disclosure and instance of the accused Mohammad Iqbal Dar, the vehicle Alto K10 bearing registration No. JK02BV-3612 was seized in the instant case; and

6. Whereas, on 22-06-2018, both terrorists namely, Dawood Ahmad Sofi R/O Zainkote Srinagar and Majid Manzoor Dar R/O Telangam Pulwama belonging to ISJK got killed in an encounter with security forces at village Sirgufwara of District Anantnag; and

7. Whereas, during further course of investigation, it was also established two accused OGW's namely, Sahil Rehman Lone S/O Ab Rehman and Suhaib-bin-Shafi S/O Mohamamd Shafi Kaloo R/O Kawdara Srinagar were arrested on 19-07-2018 and on their disclosure and the instance of the accused Suhaib Bin Shafi R/O Kawdara Srinagar, his vehicle Santro bearing registration No. JKO1Q-4576 used in the commission of crime was seized in the instant case. Two mobile phones were also seized upon their personal search. Both the seized mobile phones (Samsung J2 & J) were resealed in the presence of Executive Magistrate & later sent to CFSL Chandigarh for expert analysis, the expert opinion with respect the

same is still awaited. The correspondence for obtaining the certified copies of CDR's of the mobile No's used by the accused was made with the Nodal Officer of Bharti Airtel & the CDR analysis corroborates sequence of events as narrated by the accused during the disclosures. Certificate U/S 65-B Evidence Act has been obtained from cellular companies. That an order with respect to the seizure of the weapons recovered from the encounter site in which the two accused militants were killed at Village Sirgufwara in the Jurisdiction of P/S Srigufwara was obtained from the court of JMIC Bijbehra and accordingly one AK-56 rifle, 05 magazines AK-56 & 91 live rounds were obtained from P/S Srigufwara (Case FIR No. 44/2018) & seized in the instant case; and

8. Whereas, during the course of investigation, approval for seizure/forfeiture of the vehicle Santro bearing reg. No. JK01Q-4576 for being proceeds of terrorism under section 25 ULA (P) was obtained from DGP J&K, Srinagar and the order for the seizure of the same was issued and copies for the same were forwarded to all the concerned and a copy of order was sent to the Designated Authority i.e Divisional Commissioner, Kashmir for confirmation as mandated under law within stipulated time. The order for conducting the TIP of the accused at Central Jail, Srinagar was obtained from the court of JMIC Budgam and the same was conducted at Central Jail, Srinagar in presence of the Executive Magistrate. The statements of the material witnesses were recorded U/S 164 (A) CrPC; and

9. Whereas, based on the facts and circumstances of the case the investigation of the case has been closed as challan against all the 8 accused persons, two of whom have been killed. Accordingly, sections 16 and 18 of UAPA were incorporated in the instant case. All the six accused persons namely. 1) Tawseef Ahmad Kumbay S/O Gh Mohammad Kumbay R/O Warasangam Soibugh 2) Nazir Ahmad Kumbay S/O Gh. Mohammad Kumbay R/O Warasnagam Soibugh 3) Dawood Ahmad Ganie S/O Ali Mohammad Ganie R/O Soibugh Budgam 4) Mohammad Iqbal Dar S/O Gh. Mohammad Dar R/O Nasrullahpora Budgam 5) Sahil Rehman Lone S/O Ab. Rehman Lone R/O Kawdara Srinagar. 6) Suhaib Bin Shafi S/O Mohammad Shafi Kaloo R/O Kawdara Srinagar are presently lodged in central Jail Srinagar on Judicial remand.

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

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(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 persons for the commission of offences punishable under sections 16 and 18 of the Unlawful Activities (Prevention) Act, 1967 arising out of FIR No. 111/2018 in Police Station, Budgam:-

1. Tawseef Ahmad Kumbay S/O Gh. Mohammad Kumbay R/O Warasangam, Soibugh.
2. Nazir Ahmad Kumbay S/O Gh. Mohammad Kumbay R/O Warasangam, Soibugh.
3. Dawood Ahmad Ganie S/O Ali Mohammad Ganie R/O Soibugh, Budgam.
4. Mohammad Iqbal Dar S/O Gh. Mohammad Dar R/O Nasrullahpora, Budgam.
5. Sahil Rehman Lone S/O Ab. Rehman Lone R/O Kawdara, Srinagar.
6. Suhaib Bin Shafi S/O Mohammad Shafi Kaloo R/O Kawdara, Srinagar.

By Order of the Government of Jammu and Kashmir.

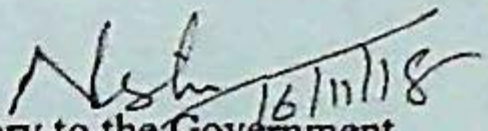
Sd-
Principal Secretary to the Government
Home Department

No. Home/Pros/66/2018

Dated: 16.11.2018

Copy to:-

1. Director General of Police, J&K, Jammu. This has reference to his letter No. Legal/Sanc-65/S/2018/69364-66 dated 16.10.2018. 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.


Under Secretary to the Government
Home Department.