



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

Jammu, the 13th, February, 2019

SRO:-115 Whereas, on 06.02.2017, Police Station Kulgam received an information from reliable sources that one person namely Mudasir Ahmad Mir S/o Bashir Ahmad Mir R/o Okey Kulgam is working as OGW of terrorists of HM a banned outfit. The said accused has close relation with some HM outfit banned group and supplied ammunition to the said group which he received from some Police personnels. The said accused was also involved in a conspiracy of militants to jeopardize integrity of District; and

2. Whereas, a case FIR No. 174/2017 was registered at P/S Kulgam U/S 7/25 I.A Act 13(2) 18,19 and 39 ULAP Act and investigation initiated; and

3. Whereas, during the course of investigation the accused person namely Mudasir Ahmad Mir S/o Bashir Ahmad Mir R/o Okey Kulgam was arrested on 23.10.2017. The accused person has confessed that he received live rounds from one Police person namely; Javid Ahmad Zargar who is his neighbor and friend. He further stated that some of live rounds were given to militant Ishfaq Ahmad Thoker at Jamnigri, Shopian in apple orchards and some live rounds were buried in the garden at Souch for his brother namely; Zahid Bashir Mir (Active Militant). It is pertinent to mention that the buried rounds provided by co-accused Javid Ahmad Zargar to Mudasir Bashir Mir were recovered from Souch/Batapora on the disclosure of Mudasir Bashir Mir. As per initial interrogation of above arrested person, it was disclosed by him that he gave ammunition to Ishfaq Ahmad Thokar (Active Militant) and passed it to banned terrorist outfit HM and they were tasked for supplying of more arms and ammunition; and

4. Whereas, prima facie case as per the evidence collected by the investigation agency u/s 7/25 A act, 13(2), 18,19,39 ULAP is made out against the accused persons namely (A1) Mudasir Bashir Mir S/o Bashir Ahmad Mir R/o Okey Kulgam, (A2) Ishfaq Ahmad Thokar S/o Ab. Majeed Thokar R/o Padderpora Shopian, (A3) Javid Ahmad Zargar S/o late Gh Ahmad Zargar R/o Okey Kulgam, and offences u/s 30 Police Act and 3 PEPO are also established against the said accused (A3) namely; Javid Ahmad Zargar. Since accused (A2) namely; Ishfaq Ahmad Thokar S/o Ab. Majeed Thokar R/o Padderpora Shopian has been killed in an encounter on 01.04.2018, hence, no sanction is required against him; and

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5. 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 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; 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 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.

Now, therefore, in exercise of powers conferred by sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, and section 5 of the PEPO, the State Government hereby accord sanction for launching prosecution against the accused namely; Mudasir Bashir Mir S/o Bashir Ahmad Mir R/o Okey Kulgam for the commission of offences punishable under section 13(2), 18 and 39 of ULAP Act and Javid Ahmad Zargar S/o Late Gh Ahmad Zargar R/o Okey Kulgam, for the commission of offences punishable U/S 13(2) 18,19 and 39 Unlawful Activities (Prevention) Act, 1967 and under Section 3 of PEPO and Section 30 of the Police Act in case FIR No. 174/2017 Police Station, Kulgam.

By Order of the Government of Jammu and Kashmir.

Sd/-

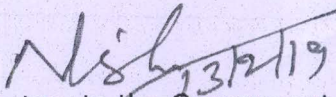
Principal Secretary to the Government
Home Department

Dated: 13.02.2019

No. Home/Pros/61/2018

Copy to the:-

1. Director General of Police, J&K, Jammu. This has reference to his letter No. Legal/San-41/S/2018/64711-14 dated 26.09.2018 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. Pvt. Secretary to Principal Secretary to the Government, Home Department.
4. Stock file.


Under Secretary to the Government
Home Department