



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

NOTIFICATION

Jammu, the 10th, January, 2019

SRO 21 .-Whereas, on 01-08-2018 SHO, Devsar along with escort, a team of PC Kulgam, 18 Bn CRPF and 9 RR had established a Joint Naka at Brazloo bridge near Middle School Pahloo. Meanwhile, a person coming from Veshu Nalla was seen in suspected condition and was asked to stop by security forces; however he tried to run away. The security forces meticulously followed and as the accused realized that he was about to be nabbed, he took out a hand grenade from his pocket to throw it on Security forces to evade his arrest and cause subsequent damage. The security forces tactfully apprehended him and took away the hand grenade. On preliminary questioning, he revealed his name as Dawood Ahmad Dar S/o Mushtaq Ahmad Dar R/o Ashmuji Kulgam and was found to be affiliated with LeT Outfit; and

2. Whereas, case FIR No. 42/2018 was registered at P/S Devsar U/S 4/5 Exp. Subt. Act 307 RPC 20,38 ULA(P) Act and investigation taken up; and

3. Whereas, during the course of investigation the accused disclosed that he was a close associate of militant Shakoor Ahmad Dar (LeT District Commander Kulgam) and on his directions he made survey of different places of District Kulgam with respect to security establishments where he could easily manage snatching of weapon. He also disclosed that Shakoor Dar had given him a pistol and hand grenade for carrying subversive activities in District Kulgam. He further disclosed that he attacked a CRPF personnel at DC office Kulgam with axe with intention to kill and snatch his weapon. However during the scuffle there was hue and cry and he left in hurry and lost his mobile phone, bag, axe some where there (for which a separate case FIR No.107/2018 U/S 307,393, RPC, 7/25 A Act stands registered at P/S Kulgam); and

4. Whereas, after this incident, he went to LeT commander and he welcomed him and made him a member of LeT Outfit. However, Shakoor Dar took back the pistol he had given to him. Moreover he was tasked to attack somewhere to arrange a weapon mostly AK-47 or INSAS for which he was given a hand grenade. In the quest for weapon snatching, he was caught by Joint Naka Party at Brazloo Bridge near Middle School Pahloo. Accordingly, the

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disclosure memo was prepared and placed on record. During investigation he revealed that accused No.1 Dawood Ahmad Dar s/o Mushtaq Ahmad Dar R/o Ashmuji Kulgam is an active militant of LeT and has been categorized as "C" and accused No.2 namely Shakoor ahmad Dar S/o Mohd Munawar Dar R/o Sopat (now killed on 24.06.2018) has motivated and had also provided accused No.01, one Grenade and one Pistol for the purpose of snatching weapons from security personnel within District Kulgam and also to cause terror among the masses and to strengthen the activities and increase the number of terrorists of LeT outfit within the District.

5. Whereas, during course of investigation site plan was prepared and statements of witnesses were recorded under relevant provisions of law and placed on file. During further course of investigation photographs of the accused No.1 which were circulating on Social media depicting said accused in possession of arms and ammunition were got downloaded for comparison with the Photographs of the said accused taken in presence of Magistrate 1st class and have been sent to CSFL Chandigarh for comparison and the opinion in this regard is still awaited.

6. Whereas, investigation conducted establishes a prima facie case U/S 4/5 Exp. Sub Act,307 RPC,20,38 ULA(P) Act against the accused namely; Dawood Ahmad Dar S/o Mushtaq Ahmad Dar R/o Ashmuji and U/S 7/25 Arms Act and 18(B) ULA(P) Act against the accused No.02 Shakoor Ahmad Dar S/o Mohd Munawar Dar R/o Sopat having been killed at Chidder Kulgam (on 24.06.2018) and investigation conducted as proved.

7. 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 person; and

8. 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 person for his 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, the State Government hereby accord sanction for launching prosecution against the accused person namely Dawood Ahmad Dar S/o Mushtaq Ahmad Dar R/o

Ashmuji Kulgam for the commission of offences punishable u/s 20 and 38 of UAPA arising of FIR No. 42/2018 Police Station Devsar.

By Order of the Government of Jammu and Kashmir.

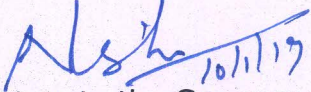
Sd/-
Principal Secretary to the Government
Home Department

No. Home/Pros/70/2018

Dated:- 10.01.2019

Copy to the:-

1. Director General of Police, J&K, Jammu. This has reference to his letter No.Legal/San-42/S/2018/69434-35 dated 17.10.2018 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. Pvt. Secretary to Principal Secretary to the Government, Home Department.
4. Stock file.


Under Secretary to the Government
Home Department