



GOVERNMENT OF JAMMU AND KASHMIR
HOME DEPARTMENT
Civil Secretariat, Jammu

Notification,
Jammu, the 10th, January, 2019.

SRO-23 .-Whereas, on 14.10.2017 P/S DH, Pora received an information from reliable sources that near Nandimarg crossing, some unknown terrorists, in order to disrupt the sovereignty and territorial integrity of country and to disturb the peaceful atmosphere of the State and strike terror amongst the public, were waylaying for the police vehicles that were coming from Dhanew kandimarg towards Damhall. Equipped with the illegal arms and ammunition, acquired by them, they opened indiscriminate fire on a Police Party that was travelling in a troop carrier 407 bearing Reg. No. JK02AW 8779 with the intention to cause death of police personnel. However, severe injuries were caused to the police personnel travelling therein.

2. Whereas, in this connection, a case FIR No.106/2017 U/S 307 RPC 7/27 Arms Act, 1967 13 ULA (P) Act was registered and investigation initiated;and

3. Whereas, during the course of investigation the site-plan of the place of occurrence was prepared and injured police personnel were shifted to hospital for medical treatment. Among them one Khurshid Ahmad Tak, Sgct 585/Kgm S/O Gul Mohd Tak R/O Pahloo succumbed to the injuries on way to Hospital and was declared brought dead by the concerned Doctor and a Medical report to that effect has been procured from the Hospital. The other injured persons, including, Const. Mohd Iqbal 989/Kgm, ASI Abdul Rashid 48/BPR, HC Gh. Nabi 168/PCR were treated in the said hospital and Medical Opinions to the effect of the injuries caused to them were procured and placed on record. During investigation, from the place of occurrence, 24 cartridges of AK-47 weapon, one live Bullet of AK-47 and one cartridge of INSAS Weapon were recovered and to that effect a

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seizure memo was prepared and placed on record. The statements of the material witness/injured police personnel's were recorded under relevant sections of law;and

4. Whereas, during further investigation, on 16.10.2018 a suspected person namely Rameez Ahmad Itoo (A-1) S/O Mohd Amin Itoo R/O Mohanpura was apprehended, who disclosed that he along with (A-2) Suhail Ahmad Ganie S/O Gh Mohd Ganie R/O Mohmadpura, (A-3) Bilal Ahmad Bhat S/O Mohd Amin Bhat R/O Katrsoo and (A-4) Rasik Ahmad Ganie S/O Mohd Amin Ganie R/O Shuch, were facilitating the activities of HM outfit by providing ammunition to (A-8) Umer Majeed Ganie S/O Ab. Majeed Ganie R/O Shuchzch ,(A-10) Gulzar Ahmad Padder S/O Bashir Ahmad Padder R/O Takia Goplapora (A-11) Zahid Ahmad Mir S/O Bashir Ahmad Mir R/O Okai and (A-12) Ishfaq Ahmad Thoker S/O Abdul Majeed Thokar R/O Padderpura, procured from (A-7) Bilal Ahmad Bhat S/O Manzoor Ahmad Bhat R/O Bugham by A-3 Bilal Ahad Bhat S/O Mohd Amin Bhat R/o Katrsoo. Further on the disclosure of (A-1) one Chinese Hand Grenade, 57 live bullet Rounds of AK 47, 35 live Bullets of 9 mm Pistol and Mobile phone of Samsung J2 Brand bearing IMEI No. 354010088931044 were recovered from his house. The site plan /recovery memo and disclosure memo were prepared and placed on record;and

5. Whereas, during further investigation on 22.10.2017 (A-2) was arrested and from his personal search one Mobile Samsung J2 bearing IMEI No. 358225085049576 was recovered. In his disclosure statement, the accused stated that he used to receive the arms and ammunition from A-3 & A-4 and used to deliver them to accused No. 12 through his father arrayed as accused No.6. Further prior to the attack at the place of occurrence, he alongwith accused No.1 had provided arms/Ammunition to accused Nos 8, 12 and ors. The part of the arms/ammunition that had been received from the accused Nos .3 & 4 and had not yet been distributed was recovered and to this effect site-Plan/ recovery Memo as well was prepared;and

6. Whereas, the accused No.2 further disclosed that he along with accused No.1 had also conducted Recce of the place of occurrence before executing the attack on the police party. The Mobile Phone recovered from the accused No.1

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substantiated the disclosure as to Recce, from which the incriminating photographs taken by the accused persons of the place of occurrence before the attack were collected and placed on file as piece of evidence. The electronic evidence collected from the seized Mobile Phone of accused No.1 also revealed that he was in constant touch with the terrorists of HM outfit particularly with accused No. 12 through BBM Messenger. The accused No.2 has also been in constant communication with militant outfit to carry out nefarious design. The relevant certificate under the 65B of IT Act were obtained and statements of witnesses/Executive Magistrate were collected/recorded to that effect;and

7. Whereas, on 28.11.2017, accused No.3 and accused No.4 were arrested and from the personal search of accused No.3 One Nokia RM 949 phone bearing IMEI No. 357807062485864 along with intact Sim card bearing Phone no. 9018181005 Nokia TA 1010 bearing IMEI No. 357293088133087 along with intact Sim No. 9797112161 and Samsung Galaxy A7 bearing IMEI No. 352811081786438 alongwith intact Sim No. 7889718759 were recovered. The personal search of accused No. 4 was also effected and one MICRO SD card Black color with the capacity of 2GB was recovered. The seizure memo to that effect was prepared . The IT examination of the said Micro SD Card revealed incriminating material against the accused No.4 possessing a weapon with him in a forest background along with the dreaded HM local terrorist viz accused No.9 namely Shiraz Ahmad Lone S/O Ab Rashid Lone R/O Souch. In addition, the analysis of the Micro SD Card revealed that the accused also divulged incriminating material against the accused No.1 holding a hand grande in the images procured thereof;and

8. Whereas, on 14.12.2017 accused No.5 namely; Atta Mohd Malik @ Altaf S/O Basher Ahmad Malik R/O Ringeth Damhall was arrested who as per the eye-witnesses was also involved in the terrorist act executed by the accused persons. However, subsequently, the custody of the accused was changed to FIR No. 108/2017 of P/S DH Pora. Further, the accused No.7 namely; Bilal Ahmad Bhat S/O Manzoor Ahmad Baht R/o Bugham who used to supply the arms and ammunition

to other accused persons in the case was arrested in the instant case on 05.04.2018 and the arrested memo to the effect was prepared;and

9. Whereas, the seized property viz; the mobile phones alongwith the sim cards of the accused Nos. 1 & 2 were sent for the FSL Analysis to CSFL Chandigarh. Further, the Micro SD card recovered from the accused No.4 were also sent for FSL Analysis to CFSL, Chandigarh. The audio clip collected from the Mobile Phones of Accused No.1 & 2 were also sent for FSL Analysis alongwith the voice samples taken of both in presence of the Executive Magistrate for comparison, the opinion thereof is awaited. The notification as to the terrorist Organization of the HM as well as the categorization list of accused Nos. 8 & 12 has also been collected. The CDR of all the connected and relevant phone numbers acquired from the Mobile phones seized from the possession of accused persons 1 & 2 were collected that evidently establishes the link between all the accused persons in accomplishing the terrorist act and their terroristic designs;and

10. Whereas, based on the facts and circumstances and evidence collected in terms of statements of witnesses recorded under section 161,164-A CrPC, the electronic evidence, the seizure memos, the disclosure memo's and the recoveries thereof, prima-facie case for the commission of offences punishable u/s 302,307, RPC 7/27 A/A 13,16,18 & 20 ULAP Act has been made out against accused Nos. 5,8,9,10,11 and 12,case for the commission of offences punishable u/s 302,307 RPC 7/27 Arms Act read with 120-B RPC 13,18 & 38 ULAP Act has been made out against accused No's 1,2,4 & 6 and case for the commission of offences punishable u/s 302,307,7/27 Arms Act read with 120-B RPC 13,18,38 &39 ULAP Act has been made against accused No. 3 and case for the commission of offences punishable u/s 302,307, 7/27 Arms Act read with 120-B RPC 13 & 18 of ULAP Act has been made out against accused No. 7.

11. Whereas, the accused figuring at S. No.12 namely Ishfaq Ahmad Thokar S/o Ab. Majeed Thokar R/o Padderpora, has expired, as such, no sanction is required against him;and

12. 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

13. 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.

14. 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 accused persons for the commission of offences shown against each arising out of FIR No. 106/2017 Police Station D.H.Pora, Kulgam.

1. Rameez Ahmad Itoo S/o Mohammad Amin Itoo R/o Mohammad pura. for the commission of offences u/s 13, 18, and 38 of the Act.
2. Suhail Ahmad Ganie S/o Gh. Mohd Ganie R/o Mohamadpur for the commission of offences u/s 13, 18 and 38 of the Act.
3. Bilal Ahmad Bhat S/o Mohd. Amin Bhat R/o Karasoo for the commission of offences u/s 13, 18, 38 and 39 of the Act.
4. Rasik Ahmad Ganie S/o Mohd Amin Ganie R/o Souch for the commission of offences u/s 13, 18 and 38 of the Act.
5. Atta Mohd @ Altaf S/O Bashir Ahmad Malik R/o Ringeth Damhal, for the commission of offences u/s 13, 16, 18 and 20 of the Act.
6. Abdul Majeed Thoker S/O Sunaullah Thokar R/O Padderpura for the commission of offences u/s 13, 18, and 38 of the Act.
7. Bilal Ahmad Bhat S/o Manzoor Ahmad Bhat R/o Bugham

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- for the commission of offences u/s 13 and 18 of the Act.
8. Umer Majeed Ganie S/O Ab Majeed Ganie R/O Souch, for the commission of offences u/s 13, 16, 18 and 20 of the Act.
 9. Shiraz Ahmad Lone S/O Ab Rashid Lone R/O Souch for the commission of offences u/s 13, 16, 18 and 20 of the Act.
 10. Gulzar Ahmad Padder S/O Bashir Ahmad Padder R/O Tiakia Gopalpora for the commission of offences u/s 13, 16, 18 and 20 of the Act.
 11. Zahid Ahmad Mir S/o Bashir Ahmad Mir R/o Okai for the commission of offences u/s 13, 16, 18 and 20 of the Act.

By Order of the Government of Jammu and Kashmir.

Sd/-

Principal Secretary to the Government
Home Department

No. Home/Pros/24/2018

Dated:- 10 .01.2019

Copy to the:-

1. Director General of Police, J&K, Jammu. This has reference to his letter No. Legal/Sanc-03/S/2018/65570-73 dated 29.09.2018. 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