

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

NOTIFICATION

Jammu, the 25th April, 2019

SRO 307.- 1. Whereas, on 24/07/2018, Police Station Shaheed Gunj received an information through reliable sources to the effect that some unknown terrorists holding illegal weapons have fired indiscriminately upon CRPF and Police personnel deployed for secretariat duty in Shaheed Gunj near Pompori Sons Showroom with the intention of killing Security Forces/Police, resulting in injuries to two CRPF personnel of A/23 BN who were taken to Police Hospital Srinagar by other CRPF personnel of their unit for immediate medical treatment etc; and

2. Whereas, a case FIR No.93/2018 U/S 302,307 RPC,7/27 A.Act,16,18,19, 38, 39 UAP Act was registered at Police Station Shaheed Gunj and investigation was taken up; and

3. Whereas, during the course of investigation, Site plan of place of occurrence was prepared, Injury memos of injured CRPF personnel were also prepared. During investigation, one CRPF personnel namely Ct/GD Shanker Lal Brala No.045050468 of A/23 BN CRPF S/O Late Kalyan Sahia Brala R/O Village Tejpore, Jaipur Rajasthan succumbed to his injuries, while as, the other one injured CRPF constable namely Satish Chery K No.055149674 of 49 BN CRPF D-Coy, who had received a bullet injury in his hand, was discharged from the Police Hospital, Srinagar after treatment. Further, after conducting the post mortem of deceased Ct/GD Shanker Lal Brala No. 045050468 of A/23 BN CRPF and after completion of medico legal formalities, the dead body was handed over to Assistant Commandant namely, Pankash Kumar Singh of the said unit. During course of investigation, statement of witnesses acquainted with facts and circumstances of case were recorded U/S 161-A and 164-A Cr.PC.

16(sixteen) empty cartridges of INSAS ammunition, 08 AK-47 ammunition, 03 live round of INSAS rifle, and one live round of AK-47, besides one sports bag were seized from the place of occurrence and seizure memo was prepared. Besides during post mortem of the deceased CRPF Ct/GD Shanker Lal Brala one bullet was also recovered by the doctor which was seized as piece of evidence; and

4. Whereas, during investigation it was also established that on 12-08-2018 one Mohammad Shafeeq Bhat @ Shafiq Molvi S/o Ghulam Qadir Bhat R/o Diyarwani Batamaloo had provided shelter to terrorists in his house for which Police and security forces had launched cordon and search operations of the area. The hidden militants opened indiscriminate fire upon security forces as well as Police and managed to escape by taking advantage of darkness for which case FIR No. 173/2018 was lodged in P/S Batamaloo. During the course of investigation in case FIR No.173/2018 of P/S Batamaloo accused namely Mohammad Shafeeq Bhat @ Shafiq Molvi S/O Ghulam Qadir Bhat R/o Diyarwani Batamaloo was apprehended and during questioning disclosed that he along with Waseem Ahmad S/o Gh. Mohammad Khan R/o Diyarwani Batamaloo 2. Mst. Shazia @ Pari D/o Mohammad Yaqoob Shah R/o Kamad Anantnag 3. Bilal Ahmad Bhat S/o Mohammad Yousf Bhat R/o Kund Qazigund has hatched conspiracy in his house and provided logistic support through vehicles and other means to active militants 1) Abbas Sheikh S/O Gh. Hassan R/o Rampora Qaimoh Kulgam 2) Umar Majeed Ganie @ Hanzulla S/o Abdul Majeed Ganie R/o Kulgam 3) Umar Rashid Wani S/o Abdul Rashid Wani R/o Qaimoh Kulgam 4) Aqib Nazir @ Arhaan S/o Nazir Ahmad Mir R/o Zangalpora Kulgam 5) Tehseen Ahmad Batloo @ Junaid S/o Ali Mohammad R/o Zainder Mohalla Tankipora Habba Kadal Sgr to commit attack on Police/ Security forces adjacent to Pampori Complex on 24/07/2018. Accordingly disclosure statement was prepared and subsequently the accused namely 1. Mohammad Shafeeq Bhat @ Shafiq Molvi (Ex-Militant) 2) Waseem Ahmad Khan R/O's Diyarwani Batamaloo 3) Shazia Yaqoob D/o Mohammad Yaqoob R/o Kamad Anantnag 4)

Bilal Ahmad Bhat R/O Qazigund were arrested after change of custody was ordered by the Hon'ble Court. Allied documents of case No.173/2018 of P/S Batamaloo having bearing on the case were obtained and placed on file. The CCTV footage of the occurrence has also been collected and preserved as evidence. The empty/ live cartridges which were seized at place of occurrence have been sent to FSL Jammu for ballistic opinion. Statement U/S 164-A Cr.PC were recorded, besides photo identification parade of accused persons has also been conducted in presence of concerned Executive Magistrate. During investigation it came to fore that accused Tehseen Ahmad Batloo @ Junaid S/o Ali Mohammad R/O Zandar Mohalla Tankipora Habakadal Srinagar has been arrested by Punjab Police near Wagah Border for which Police party was deputed to Punjab and the accused has been taken to P/S Shaheed Gunj under court directions and subsequently arrested on 18/02/2019 in the instant case. Investigation also revealed that accused 1) Aqib Nazir @ Arhaan S/o Nazir Ahmad Mir R/o Zangalpora Kulgam 2) Umar Majeed Ganie @ Hanzulla S/o Abdul Majeed Ganie R/o Kulgam and 3) Umar Rashid Wani S/o Abdul Rashid Wani R/o Qaimoh Kulgam have been killed in different encounters with security forces and no sanction is required against the deceased; and

5. Whereas, on the facts and circumstances of the case and the statement of witnesses recorded, prima-facie a case is made out against the accused A1-Mohammad Shafeeq Bhat @ Shafeeq Molvi S/o Ghulam Qadir Bhat R/o Diyarwani, Batamaloo, Srinagar for the commission of offences punishable u/s 16,18,19,38 and 39 of UAPA, accused A2-Waseem Khan S/o Late Ghulam Mohammad R/o Diyarwani, Batamaloo, Srinagar for the commission of offences punishable u/s 16,18,38 and 39 of UAPA, accused A3- Bilal Ahmad Bhat S/o Mohammad Yousuf Bhat R/o Kund, Qazigund accused A4-Mst. Shazia Yaqoob @ Pari D/o Mohd Yaqoob R/o Kamad, Anantnag, accused A5-Abbas Sheikh S/o Ghulam Hassan Sheikh R/o Qaimoh, Kulgam and accused A-6 Tehseen Ahmad Batloo @ Junaid S/o Ali Mohammad R/o Zaindar Mohalla, Tankipora, HabbaKadal, Srinagar for the commission of offences punishable u/s 16,18,19,38 and 39 of UAPA; and

6. 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 case is prima facie fit for accord of sanction for launching prosecution against the accused persons; and

7. 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 prima facie sufficient material and clinching evidence is primarily available against the accused persons for their prosecution under the aforesaid provisions of law.

8. 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 following accused persons for the commission of offences shown against each arising out of FIR No. 93/2018 of Police Station Shaheed Gunj;-

S.No	Name of accused person(s)		Offences u/s
1.	Mohammad Shafeeq Bhat @ Shafeeq Molvi S/o Ghulam Qadir Bhat R/o Diyarwani, Batamaloo, Srinagar.	A1	16,18,19,38 and 39 of UAPA.
2.	Waseem Khan S/o Late Ghulam Mohammad R/o Diyarwani, Batamaloo, Srinagar.	A2	16,18,38 and 39 of UAPA.
3.	Bilal Ahmad Bhat S/o	A3	16,18,19,38 and 39 of

	Mohammad Yousuf Bhat R/o Kund, Qazigund.		UAPA.
4.	Mst. Shazia Yaqoob @ Pari D/o Mohd Yaqoob R/o Kamad, Anantnag.	A4	-do-
5.	Abbas Sheikh S/o Ghulam Hassan Sheikh R/o Qaimoh, Kulgam.	A6	-do-
6.	Tehseen Ahmad Batloo @ Junaid S/o Ali Mohammad R/o Zaindar Mohalla, Tankipora, HabbaKadal, Srinagar.	A5	-do-

By Order of the Government of Jammu and Kashmir.

Sd/-

Principal Secretary to the Government
Home Department

No. Home/Pros/ 53/2019

Dated: - .04.2019

Copy to the:-

1. Director General of Police, J&K, Jammu. This has reference to his letter No Legal/San-157/S/2019/1561-63 dated 15.04.2019. 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.

N. S. / 24/4/19

Under Secretary to the Government
Home Department