



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

NOTIFICATION

Srinagar, the 19th June, 2019

- SRO:- 412 Whereas, on 15.10.2018, Police Station, Panthachowk Srinagar received information through reliable sources to the effect that some miscreant is pasting the posters on behalf of Hurriyat conference to cause threat among general public not to vote in ULB elections in the Valley especially in Srinagar; and
2. Whereas, a case FIR No.82/2018 was registered at Police Station, Panthachowk and investigation taken up; and
 3. Whereas, during the course of investigation, pasted incriminating posters were seized as piece of evidence and accordingly site plan of place of occurrence was prepared. Statements of witnesses were recorded under relevant sections of law. During investigation, material witnesses namely constable Nisar Ahmad deposed that, while coming back towards Police Station after performing his duties, he identified accused Zeeshan Afaaq Shah S/o Mohammad Afaaq R/o Aripora, Panthachowk while pasting these posters on the walls and poles in the area of Zewan who on seeing police party managed to flee from the spot before being apprehended. The accused was later arrested in the case, who disclosed that, he has attended various seminars of Hurriyat conference and some unknown person handed over these poster to him for pasting in the area of Zewan; and
 4. Whereas, during investigation one cell phone was recovered from his possession and on preliminary examination, incriminating material was recovered from it. The cell phone was seized as piece of evidence and forwarded to FSL Chandigarh for examination and opinion thereof is awaited. Evidence collected has, prima facie, established a case punishable U/S 13 UAP Act, 506 RPC against accused Zeeshan Afaaq Shah S/o Mohammad Afaaq R/o Aripora, Panthachowk and investigation of case was concluded as proved against him. While as Section 132-B of Jammu and Kashmir Representation of people Act, 1957 was dropped from the case in view of deficient evidence; and
 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 prosecution sanction against the said accused person; 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 person for his prosecution under the aforesaid provision of law.

7. 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 person namely Zeeshan Afaq Shah S/O Mohammad Afaaq R/O Aripora Panthachowk for commission of offence punishable U/S 13 of Unlawful Activities (Prevention) Act, 1967, arising out of FIR No. 82/2018 of Police Station, Panthachowk.

By order of the Government of Jammu and Kashmir

Sd/-

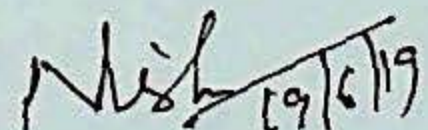
Principal Secretary to the Government
Home Department

Dated: 19.06.2019

No. Home/Pros/22/2019

Copy to:-

1. Director General of Police, J&K, Jammu. This has reference to his letter No. Legal/San-143/S/2019/1098-100 dated 03/03/2019. 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. Private Secretary to Principal Secretary to the Government, Home Department.
4. Stock file.



Under Secretary to the Government
Home Department