



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

NOTIFICATION

578

Srinagar, the 11th October, 2019

SRO:- Whereas, on 21.05.2018, P/S Panzalla received a docket from I/C residential Guard of BJP Leader Mohammad Maqbool War R/o Rohama stating therein that SPO Waseem Ahmad Malla No. 897/SPO posted at the said guard was unauthorizedly absent from the said guard post since 21.05.2018 and to this effect his absence stands already registered. On 23.05.2018, PSO of the said protectee, Dilshad Ahmad came to the guard room and found lock of his trunk broken and his service rifle AK 47 along with its two magazines missing. The complaint further states that the said rifle and magazines have actually been stolen by absent SPO Waseem Ahmad Malla; and

2. Whereas, a case FIR No.35/2018 U/S 380, RPC, 30 Police Act was registered at P/S Panzalla and investigation taken up;-and

3. Whereas, during investigation it was revealed that SPO Waseem Ahmad Malla has managed his induction into the ranks of LeT outfit and several OGW's are working for him in the area which includes 01. Nazir Ahmad Lala 02. Mushtaq Ahmad Lone 03. Ashiq Hussain Mir 04. Mudasir Ahmad Lone 05. Arif Ahmad Malla and 06 Rayees Ahmad Naik. Subsequently, one suspect namely; Nazir Ahmad Lala S/O Ab. Rehman Lala R/O Dachanpara Rafiabab was detained for questioning and during questioning he disclosed that he is an active OGW of LeT outfit and he along with his other associate OGW's namely; 01. Mushtaq Ahmad Lone S/O Nazir Ahmad Lone R/O Kushipora 02. Ashiq Hussain Mir S/O Abdul Guffoor Mir R/O Matipora Rohama 03. Mudasir Ahmad Lone S/O Bashir Ahmad Lone R/O Buddan Rafiabab 04. Arif Ahmad Malla S/O Gh. Mohi-Ud-Din Malla R/O Shutloo Rafiabab 05. Rayees Ahmad Naik S/O Ali Mohamad Naik R/O Chimer Damhal Hanjipora Kulgam are motivating the youth in the area to join the ranks of LeT outfit for carrying out subversive activities. He further stated that they also motivated SPO Waseem Ahmad Malla to join the outfit. He further disclosed that on their instigation SPO Waseem Ahmad Malla decamped with a service rifle from a guard post at Rohama and join LeT outfit. That after decamping from the Guard post

with Service rifle of HC Dilshad Ahmad, SPO Waseem Ahmad met them in an orchard and joined LeT out fit and is now a an active terrorist.

4. Whereas, during the course of investigation, on the basis of statement of witnesses, the seizure memos and other evidence, the Investigating Officer established a prima-facie case against the accused person namely; SPO Waseem Ahmad Malla S/o Habibullah Malla R/o Shutloo Rafiabab under sections 380, 109, 34 RPC, 7/25 A. Act, 30 Police Act r/w 3 PEPO, 13 & 20 of the Unlawful Activities (Prevention) Act 1967 and against accused namely; 1. Nazir Ahmad Lala S/o Abdul Rehman Lala R/o Dachanpara 2. Mushtaq Ahmad Lone S/o Nazir Ahmad Lone R/o Khushipora 03. Ashiq Hussain Mir S/o Abdul Guffoor Mir R/o Matipora Rohama 04. Mudasir Ahmad Lone S/o Bashir Ahmad Lone R/o Buddan Rafiabab 05. Arif Ahmad Malla S/o Gh. Mohi-ud- Din Malla R/o Shutloo Rafiabab 06. Rayees Ahmad Naik S/o Ali Mohammad Naik R/o Chimer Damhal Hanjipora Kulgam Under Sections 109,34 RPC, 13 & 39 of the Unlawful Activities (Prevention) Act 1967;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 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.

7. Whereas State Government after having examined the relevant records of the case is satisfied that prima facie a case u/s 30 of Police Act, 1983 read with 03 PEPO is made out against the aforementioned accused Police personal on the basis of evidence collected during the course of investigation.

Now, therefore, in exercise of powers conferred by sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967 & section 5 of the Police Enhanced Penalties ordinance, the State Government hereby

accords sanction for launching prosecution against the accused persons namely; 1. Waseem Ahmad Malla S/o Habibullah Malla R/o Shutloo Rafiabad for the commission of offences punishable under section 30 of Police Act read with section 03 PEPO & 13 & 20 of Unlawful Activities (Prevention) Act, 1967 and against accused namely; 2. Nazir Ahmad Lala S/o Abdul Rehman Lala R/o Dachanpara 3. Mushtaq Ahmad Lone S/o Nazir Ahmad Lone R/o Khushipora 4. Ashiq Hussain Mir S/o Abdul Guffoor Mir R/o Matipora Rohama 5. Mudasir Ahmad Lone S/o Bashir Ahmad Lone R/o Buddan Rafiabad 6. Arif Ahmad Malla S/o Gh. Mohi-ud-Din Malla R/o Shutloo Rafiabad 7. Rayees Ahmad Naik S/o Ali Mohammad Naik R/o Chimer Damhal Hanjipora Kulgam under sections 13 & 39 of Unlawful Activities (Prevention) Act, 1967 arising out of FIR No.35/2018 of P/S Panzalla.

By order of Government of Jammu and Kashmir.

Sd/-

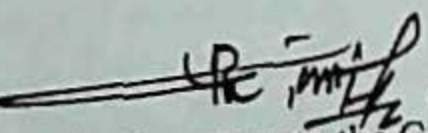
Principal Secretary to the Government
Home Department

Dated: 11.10.2019

No. Home/Pros/64/2019

Copy to:-

1. Director General of Police, J&K, Jammu. This has reference to his letter No. Legal/Sanc-149/S/2019/20892-94 dated 30/03/2019 and No. Legal/Sanc-149/S/2019/4024-26 dated 04.07.2019. 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