

Government Of Jammu and Kashmir
Home Department
Civil Secretariat, Srinagar/Jammu

NOTIFICATION

Jammu, the 4th February, 2020

S.O 46 .-Whereas, on 06.05.2018, the occasion of burial of one killed terrorist namely Rafiq Ahmad Bhat S/O Ab. Rahim Bhat R/O Chundhina, one Bashir Ahmad Affiliated with Jammat-e-Islami leading the funeral procession, raised anti national slogans against India. He further instigated/provoked the youth to continue struggle till so called freedom is achieved from India. On this, the instant case was registered at Police station Ganderbal and investigation was taken up.; and

2. Whereas, in this connection a case FIR No. 71/2018 U/S 13 Unlawful Activities (Prevention) Act 1967, was registered in P/S Ganderbal and investigation taken up; and

3. Whereas, during the course of investigation, site plan was prepared and statements of witnesses acquainted with the facts and circumstances of the case were recorded under section 161 CrPC. Statement of witnesses so recorded would reveal that accused persons namely Bashir Ahmad Lone S/o Ab. Samad lone R/O Syedpora Harwan Srinagar (affiliated with Jamat-e-Islami) and Mohammed Rafiq Shah S/O Mohammad Yaseen R/o Shuhama Ganderbal (affiliated with Tehrik-e-Hurriyat) that they raised anti-national slogans on the occasion of funeral ceremony of killed militant Rafiq Ahmad Bhat at village Chundhina. Besides, that it came to the knowledge that they had instigated they also instigated/provoked the youth to continue the struggle till freedom is achieved from India and accordingly the investigation of case has been concluded as proved against them; and

4. Whereas, the Authority appointed by the Government of Union Territory of Jammu & Kashmir under sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, has independently examined the Case Diary file and all the other relevant documents relating to the case and has come to a conclusion that prima facie case is made out against the accused in the backdrop of the investigation of case; and

5. 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 Government of Union Territory of Jammu & Kashmir is of the view that there is sufficient material and evidence available against the accused persons for their prosecution under the provisions of law.

Now, therefore, in the exercise of powers conferred by sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the Government hereby accords sanction for launching prosecution against the accused person namely; Bashir Ahmad Lone S/o Ab. Samad lone R/o Syedpora Harwan Srinagar and Mohammed Rafiq Shah S/o Mohammad Yaseen R/o Shuhama Ganderbal for the commission of offences punishable U/s 13 of Unlawful Activities (Prevention) Act, 1967, in case FIR No. 71/2018 of Police Station Ganderbal.

By order of the Government of Jammu & Kashmir

Sd/-

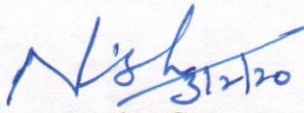
Principal Secretary to the Government
Home Department

No. Home/Pros/185/2019

Dated: 04 .02.2020

Copy to:-

1. Director General of Police, J&K Srinagar. This has reference to his letter No. Legal/Sanc-98/S/2019/62749-51 dated 17.10.2019 from PHQ. 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