

Government of Jammu and Kashmir
Home Department
Civil Secretariat
Jammu

Notification,


Jammu, the 5th February, 2020.

S.O 49 .-Whereas, on 17-03-2018, Police Station, Tral received reliable information to the effect that certain persons namely Ghulam Nabi Shah S/o Gh. Qadir Shah Resident of Gong Bal Tral and Ishfaq Sameer Sheikh S/o Gh. Nabi Sheikh resident of Takia Gulab Bagh under a criminal conspiracy to promote terrorism were motivating youth of Tral area for weapons training in order to carry out criminal activities/terror attacks in the area; and

2. Whereas, a case FIR No. 23/2018 u/s 18,18-B,20 and 39 ULA(P) was registered in Police Station, Tral and investigation taken up; and

3. Whereas, during the course of investigation, Bashir Ahmad Sheikh S/o Gh. Mohammad Sheikh R/o Batagund Tral, Irfan Ahmad Mir S/O Mushtaq Ahmad Mir R/O Batagund Tral, Aijaz Ahmad S/o Ab. Salam Bhat R/o Batgund Tral and Junaid Rashid Bhat S/o Abdul Rashid Bhat R/o Nowdal Tral deposed in their statements that the accused persons motivated them to cross over the line of control for weapons training to carry out attacks against security Forces in Kashmir, but due to immediate intervention of their parents they were restrained from committing such Unlawful activities. The accused persons namely Ghulam Nabi Shah S/o Gh. Qadir Shah resident of Gong Tral and Ishfaq Sameer Sheikh S/o Ghulam Qadir Shah resident of Takia Gulab Bagh, Tral were called to the Police Station for questioning and were formally arrested for commission of offences, u/s 18, 18-B, 20 and 39 ULA (P) and accordingly arrest memo was prepared; and

4. Whereas, during further course of investigation, the Investigating Officer on the basis of information received through sources, found that one person namely Junaid Rashid Bhat S/o Abdul Rashid Bhat R/o Nowdal Tral was also motivated by the accused persons for weapon training. He deposed in his statement about the involvement of another accused namely Muzaffar Ahmad Shah S/o Mohammad Amin Shah R/o Kahleel Tral. During questioning he named Mir Faisal Hamid S/o Mir Hamidullah R/o Aripal Tral who too was questioned and he is his statement named Muzaffer Ahmad Shah as facilitator of arraying meeting with a terrorist commander named Mufti Vikas resident of POK several time with the intent to lure him to join militancy. Statement of witnesses have been recorded u/s 161 CrPC and 164-A Cr.PC; and

 5. Whereas, on the strength of statement of witnesses recorded under relevant provisions of law, the accused persons namely 1. Ghulam Nabi Shah S/o Gh. Qadir Shah resident of Gong Tral 2. Ishfaq Sameer Sheikh S/o Ghulam Qadir Shah resident of Takia Gulab Bagh, Tral 3. Muzaffar Ahmad Shah S/o Mohammad Amin Shah R/o Kahleel Tral

were found involved in the commission of offences punishable under sections 18,18-B,20 and 39 Unlawful activities (Prevention) Act; and

6. Whereas, the Authority appointed by the Government of Jammu and 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 there is a prima facie case for accord of prosecution sanction against the said accused persons is made out; and

7. Whereas, after perusing the case diary file, the relevant documents and also taking into consideration the views of the Authority appointed under sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the Government of Jammu and Kashmir 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.

Now, therefore, in exercise of powers conferred by sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the Government of Jammu and Kashmir hereby accords sanction for launching prosecution against the accused persons namely 1. Ghulam Nabi Shah S/o Gh. Qadir Shah resident of Gong Tral 2. Ishfaq Sameer Sheikh S/o Ghulam Qadir Shah resident of Takia Gulab Bagh; Tral 3. Muzaffar Ahmad Shah S/o Mohammad Amin Shah R/o Kahleel Tral for commission of offences punishable under sections 18,18-B,20 and 39 of Unlawful Activities (Prevention) Act, in case FIR No. 23/2018 of Police Station, Tral.

By order of the Government of Jammu and Kashmir.

Sd/-

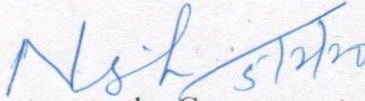
Principal Secretary to the Government
Home Department

Dated: 05 .02.2020

No. Home/Pros/219/2019

Copy to:-

1. Director General of Police, J&K Srinagar.. The CD file in original is returned herewith, receipt of which may kindly be acknowledged.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India
3. Secretary to the Government, Department of Law, Justice & Parliamentary Affairs. (w.7.s.c.)
4. Private Secretary to Principal Secretary to the Government; Home Department.
5. Stock file.


Under Secretary to the Government
Home Department