

Government of Jammu and Kashmir
Home Department
Civil Secretariat, J&K

NOTIFICATION

Jammu, the 24th February, 2023.

- S. O. 100** -Whereas, on 08.04.2020, the Police Station, Kulgam, received a docket to the effect that during the search of a missing person namely Raja Nadeem Rather S/O Ab. Rehman Rather R/O Ashmuji, Kulgam, who got missing from his home on 27.03.2020, and it was learnt that the said missing person has joined the terrorist ranks of LeT banned outfit with the help of some OGWs for carrying out terrorist activities in the area; and
2. Whereas, based on the above, a Case FIR No. 58/2020 U/S 13,19,20 of ULA (P) Act was registered in the Police Station, Kulgam, and the investigation of the case was set into motion. Subsequently, during the investigation, the offences under Sections, 18,18-B, 38 and 39 of ULA (P) Act were added and the offence under Section 19 of ULA (P) Act was dropped from the case; and
3. Whereas, during the investigation, the site plan of place of occurrence and the seizure memos were prepared and the statement of witnesses acquainted with the facts and circumstances of the case were recorded under the relevant provisions of law; and
4. Whereas, during the investigation, the accused viz Raja Nadeem Rather, was found in contact with a terrorist of LeT banned outfit namely Ishfaq Ahmad Itoo S/O Mohd Yousuf Itoo R/O Hangalbuch, Yariproa, who with the help of other accused OGW namely Rasiq Ahmad Rather S/O Gull Mohd Rather R/O Ashmuji, Kulgam, lured/motivated the accused viz Raja Nadeem Rather to join the terrorist ranks in order to promote terrorist activities in the area.

Subsequently, the accused viz Rasiq Ahmad Rather, was arrested in the case; and

5. Whereas, during the investigation, it was established that the accused viz Raja Nadeem Rather and Ishfaq Ahmad Itoo, were members of LeT banned outfit and the other accused viz Rasiq Ahmad Rather, was working as Over Ground Worker (OGW) for the terrorists of the said outfit particularly the above terrorists and under a well knit criminal conspiracy was providing logistic support to them, besides, the accused viz Ishfaq Ahmad Itoo and Rasiq Ahmad Rather, facilitated the joining of the accused viz Raja Nadeem Rather, with the terrorist ranks of the LeT banned outfit for carrying out the terrorist activities in the area; and

6. Whereas, the accused terrorists viz Raja Nadeem Rather and Ishfaq Ahmad Itoo, have been killed in the different encounters with the Security Forces and the proceedings under the law would abate against them; and

7. Whereas, on the basis of the investigation, the statement of witnesses recorded and other evidence collected, the Investigating Officer, has established prima facie involvement of the below mentioned accused for the commission of offences punishable in terms of the provisions of the Unlawful Activities (Prevention) Act, 1967, as shown against his name:-

S. No.	Name of the accused	Offence
1.	Rasiq Ahmad Rather S/O Gull Mohd Rather R/O Ashmuji, Kulgam.	13,18,18-B,39 ULA (P) Act

8. Whereas, the Authority appointed by the Government 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 the conclusion that prima facie case is made out against the above accused; and

9. 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 is of the view that there is sufficient material and evidence available against the above mentioned accused for his prosecution under the provisions of law; and

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 45 the Unlawful Activities (Prevention) Act, 1967, the Government hereby accord sanction for launching prosecution against the accused viz Rasiq Ahmad Rather, for the commission of offences punishable under Section 13,18,18-B and 39 of ULA (P) Act, arising out of FIR No. 58/2020 of Police Station, Kulgam.

By Order of the Government of Jammu and Kashmir.

Sd/-

(R.K. Goyal) IAS

Financial Commissioner/
Additional Chief Secretary

Dated:24.02.2023.

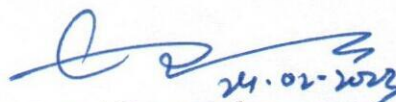
No:-Home/Pros/168/S/2020

Copy to the:-

1. Director General of Police, J&K, alongwith CD file in original.
2. Secretary to the Government, Department of Law, Justice PA.
3. PS to Financial Commissioner, (ACS), Home Department.
4. Stock file.

Copy also to the:-

Additional Secretary (JKL), Ministry of Home Affairs, GoI. New Delhi.


24.02.2023
Deputy Legal Remembrancer
Home Department