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COURT OF ADDITIONAL SESSIONS JUDGE,
(DESIGNATED SPECIAL COURT UNDER SECTION 22 OF THE N.I.A ACT) BARAMULLA

Date of Order: 15-12-2022

UT of J&K through SHO P/S Bandipora
Case FIR No. 143/2022 U/Ss 18,23,39 ULA(P) Act, 7/25 I.A. Act

V E R S U S

Imtiyaz Ahmad Beigh @ Ana Bahi S/o Ab. Nawab Beigh R/o Fatehpura Baramulla.
(Accused)

In the matter of: Application in terms of Section 43(D) ULA(P) Act for extension of
Investigation period.

In the matter of : Application for grant of remand.

ORDER

Through the medium of the instant report filed by the learned PP in terms of Section 43-D of Unlawful Activities (Prevention) Act, 1967 (hereinafter as the ULA(P) Act for short) accompanied with the separate report of the I.O-Dy. SP DAR, DPL Bandipora communicated by him to the learned PP, the extension in the period of investigation in the above titled case FIR is sought beyond the period of 117 days in respect of accused whilst the accused being in custody on the grounds inter-alia:-

- i) The expert opinion from CFSL has not been received as yet which is an important piece of evidence leading/revealing further some other relevant aspects/evidence in the case matter and the same will accordingly be justly concluded.

Register.

Perused the instant report of the learned PP. Also perused the accompanied report of the I.O. The accused is on judicial remand in the Sub Jail Baramulla till 15-12-2022 as per the remand order dated 30-11-2022 of this Court. Accused who was produced was put to notice through video conferencing, however he submitted that he has engaged counsel he is in good health condition.

In the light of the aforementioned perusal and especially having regard to the involvement of the accused in heinous offences, this court is of the considered opinion that the learned PP as well as IO of the case who claimed that apart from being heinous offences the expert opinion from CFSL has not been received as yet which is an important piece of evidence leading/revealing further some other relevant aspects/evidence in the case matter and the same will accordingly be justly concluded.

Accordingly the application for extension is allowed and the period of investigation in the case whilst the accused being in custody (remand period) is extended for a further period with effect from 15-12-2022. The I.O of the case shall avail the opportunity and ensure the fair and logical conclusion of the investigation with the presentation of the charge report/challan before the competent court.

4/11/22

A separate application has been moved by Sh. Ishfaq Alam Dy. SP DAR. DPL. Bandipora EXK No. 955592 LO of the case for grant of judicial remand in favour of the accused.

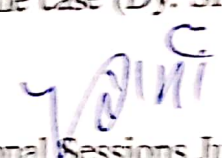
Perused the application. Also perused the CD file concerned. Register.

Heard learned PP. Perusal of the application and the CD file reveals that the accusation against the accused is well founded and the investigation of the case is going on. The accused are alleged to have committed the offences punishable under sections 7/25 1. Act, Section 18,23,39 of ULA(P) Act arising out of case FIR No. 143/2022 of Police Station Bandipora. The accused has been produced before this court through Electronic Video Linkage from Sub Jail Baramulla. The accused stated to be in sound state of his health.

Application is allowed and the accused is remanded to judicial custody in the Sub Jail Baramulla for a further period with effect from 15-12-2022 to 28-12-2022 both days inclusive. Superintendent of Sub Jail Baramulla is accordingly directed to lodge the accused in his jail during the period of remand. The accused shall be subjected to routine medical checkups at the prisons Health Centre after every 48 hours and also if and when needed.

Both the applications are accordingly disposed of. Copies of this order be furnished to the Superintendent of Sub Jail Baramulla and also to the LO of the case (Dy. SP DAR. DPL Bandipora) for information and necessary action.

Announced:
15.12.2022


Additional Sessions Judge
(Designated Special Court)
Baramulla