

1998/2011
JK05H(0031032011)
105/2022
COURT OF ADDITIONAL SESSIONS JUDGE
(DESIGNATED SPECIAL COURT UNDER SECTION 22 OF THE NIA ACT) BARAMULLA

Date of Order: 07-12-2022

UT of I&K through SHO P.S Pethkoot
Case FIR No. 30/2022 under Section 18, 23 ULA (P) Act, & Explosive Substances Act.

VERSUS

- 1- Mohammad Yousuf Wani S/o Gh. Rasool R/o Pethkoot Handipora.
 - 2- Manzoor Ahmad Shah S/o Ab. Ahad R/o Dagh Handipora.
- (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 LO 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 105 days in respect of accused whilst the accused being in custody on the grounds inter-alia:-

- i) The investigation of the case is still in progress as CFSL opinion from Chandigarh is yet to be obtained. Besides the process of seizure of vehicle bearing Registration No. JK05H-0622 involved in said case is under process and has not been received from PHQ.
- ii) further the Government sanction is required under UAPA Act from the Competent Authority in the instant case.

Register.

Perused the instant report of the learned PP. Also perused the accompanied report of the I.O. The accused are on judicial remand in the Sub Jail Baramulla till 07-12-2022 as per the remand order dated 23-11-2022 of this Court. Accused who were produced were put to notice through video conferencing, however they submitted that they are in good health condition. They were also told that they are entitled to legal assistance for engaging defence counsel.

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 Government Sanction under ULA(P) Act is also required & further CFSL opinion from Chandigarh is yet to be obtained, besides the process of seizure of vehicle bearing Registration No. JK05H-0622 involved in said case is under process and has not been received from PHQ as such has made out a genuine case for extension of the period of investigation. The extension if granted is likely to enable the LO of the case to conclude the investigation and to also get the required sanction from the Government. Although, the

accused persons appears to be habitual offender as number of cases have been registered against them.

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 27-12-2022. 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 before the competent court.

A separate application has been moved by Sh. Mushtaq Ahmad SI No. 30/Kgm on behalf of IO (Additional Superintendent of Police Bandipora) of the case for grant of judicial remand in favour of the accused.

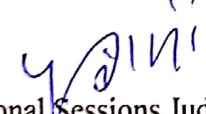
Perused the application. Also perused the CD file concerned. **Register.**

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 18,23 ULA (P) Act, 4 Explosive Substance Act arising out of case FIR No. 36/2022 of Police Station Pethkoot. The accused have been produced before this court through Electronic Video Linkage from Sub Jail Baramulla. The accused stated to be in sound state of their health.

Application is allowed and the accused are remanded to judicial custody in the Sub Jail Baramulla for a further period with effect from 07-12-2022 to 27-12-2022 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 I.O of the case (Additional SP Bandipora) for information and necessary action.

Announced:
07.12.2022


Additional Sessions Judge
(Designated Special Court)
Baramulla