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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: 19-12-2022

UT of J&K through SHO P/S Sopore

Case FIR No. 217/2022 under Section 7/25 A. Act, 18,18-B, 20,23,38,39 ULA (P) Act.

V E R S U S

1- Imtiyaz Ahmad Ganie S/o Ab. Rahim Ganie

2- Waseem Ahmad Lone S/o Ghulam Rasool Lone Both residents of Botingoo, Sopore.
(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

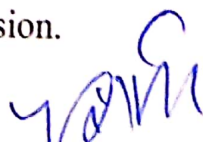
Through the medium of the instant report filed by the learned PP in terms of Section 43-D of Unlawful Activities (Prevention) Act, 1967 (hereinafter as the ULA(P) Act for short) accompanied with the separate report of the I.O communicated by him to the learned PP, the extension in the period of investigation in the above titled case FIR is sought beyond the period of 89 days in respect of accused whilst the accused being in custody on the grounds inter-alia:-

- i) During the course of investigation it has come to fore that the accused persons have functioned as associates of an active local terrorist namely Bilal Hamzah Mir S/o Mohd Hamza Mir R/o Brath Sopore who is yet to be brought to book and as yet the investigation of the case matter is at a very critical stage. Besides further evidence is also been collected and collated in order to bring the investigation to a just conclusion.

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 19-12-2022 as per the remand order dated 05-12-2022 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 and during the course of investigation it has come to fore that the accused persons have functioned as associates of an active local terrorist namely Bilal Hamzah Mir S/o Mohd Hamza Mir R/o Brath Sopore who is yet to be brought to book and as yet the investigation of the case matter is at a very critical stage. Besides further evidence is also been collected and collated in order to bring the investigation to a just conclusion.



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 19-12-2022. 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.

Investigation Officer has submitted that one of the accused in the case who is companion of the arrested accused is yet absconding and as such investigation is not complete.

A separate application has been moved by Sh. Gazanaffar Syed Dy. SP (OPS), Sopore No. 906032/EXK IO of the case for grant of judicial remand in favour of the accused.

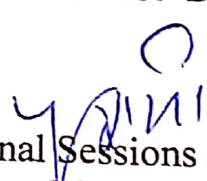
Perused the application. Also perused the CD file concerned. **Register.**

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 A. Act, 18,18-B,20,23,38,39 ULA (P) Act arising out of case FIR No. 217/2022 of Police Station Sopore. 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 19-12-2022 to 18-01-2023 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 Dy. SP (OPS), Sopore for information and necessary action.

Announced:
19.12.2022


Additional Sessions Judge
(Designated Special Court)
Baramulla