

Question 2180) - A man claims Qisas [retaliation] but the mudda'a 'alayhi denies it. How will this case be decided?

A: The mudda'a 'alayhi will be made to take an oath. If he refuses and the retaliation is for something besides life, he will be retaliated against. If it is a case of life, then he will be detained until he either confesses or takes the oath. This is according to Imaam Abu Hanifah RAH. According to Imaam Abu Yusuf RAH. And Imaam Muhammed RAH. he must pay Arsh in both cases.

~ al-Quduri ~