UPPER SHARI'A COURT HAUSAWA, KANO

PRESIDING BY HONOURABLE JUDGE

MALAM ALIYU MUHAMMAD KANI (U.S.C.J)]

CERT... SING.... 3/9/20 DATE....
Certified by me Ibrahim Lawal Tukur P/Registrar Record

LAMBAR KARA: CR/43/2020

RANAR KARA: 20/03/2020

RANAR SHARI'A: 20/032020

MKF: COMMISSIONER OF POLICE

VS

WAK: SHARIF YAHAYA SHARIFAI

DALILIN KARA: BATANCI GA ANNABI MUHAMMAD (S.A.W)

BAYANIN KARA: A yau ranar 20/3/2020 MGK ya gabatar wa da kotu (F.I.R) daga offishin yan sanda na (S.I.B) me dauke da bayanin tuhuma kamar haka:

A ranar 23/2/2020 tsakanin karfe 8:00 na dare zuwa karfe 11:50 kai Sharif Yahaya Aminu dan shekara 30 mazaunin No. 26 sharifai kano da niyyar taba zuciyar musulmai gaba daya ka nadi Magana wadda ka tura a yanar gizo mai suna GIDAN UMMA AMINA inda kayi kalaman shashanci da cin mutunci inda ka kira

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manzon Allah (S.A.W) da cikakken mushirik wanda matsayin sa ba kai na inyass ba.

Don haka aka gabatar da kai gaban kotu kan wannan tuhuma da ake maka.

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A yau ranar 20/3/2020 MGK C.S.P Hamza Tambai ina rlkewa inspector Aminu Sani a matsayin MGK a wannan shari'ar saishi WAK shima yana kotu.

KT: nayi umarni da kabana maze F.I.R dogaro da sashi na 129(7) KSAC LAW 2019.

K/WAK: Ka fahimci abun da aka karanta maka?

AMS: Na fahimta

K/WAK: To ka ga ne sosai abin da aka karanta maka?

AMS: Na gane sosai

K/WAK: TO ka ji ana tuhumar ka da yin batanci ga annabi (S.A.W)

Wato ka furta wasu kalamai akan sa kamar yadda yake a kunshin wanan takarda ta tuhuma, wadda yin haka ya sabawa sashi na 382(B) Kano State shari'a penal code law 2000 hakane ka furta wadannan kalamai?

AMS: Gaskiya ne na aikata

K/WAK: Kenan ka tura a yanar gizo cewar Annabi Muhammad (S.A.W) cikkaken mushiriki ne?

AMS: Na aikata hakan

K/WAK: Maganar cewar Inyass sama yake da shi Annabi (S.A.W) haka ne shima ka tura?

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AMS: Haka ne na aikata

K/MGK: Ka ji ya amsa laifin sa?

AMS: Ina son kotu ta kafa masa shaidun ikrari

K/WAK: A yanzu da kotu ta ke magana da kai kana da cikakken hankali kuwa?

AMS: Ina da hankali

K/WAK: Shekarunn ka nawa?

AMS: 30 a duniya

K/WAK: Kuma kai musulmi ne?

AMS: Ni musulmi ne

K/MUSA MUHAMMAD: ka ji abin day a fadi?

AMS: Na ji ya fadi cewar duk abin da ake tuhumar ya tura ta yanar gizo sa haka ne

K/MALAM ABDULLAHI: Ka ji abin da ya fadi?

AMS: Na ji abin da ya fadi

KT: Ta kafa masa su a matsayin shaidun ikrari dogaro da nassin MUKTHASAR KHALIL

فان اقر فله الاشهاد عليه

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Ma'anar " idan mutum yayi ikrari wajibi ne a kafa masa shaidun ikrari"

K/MGK: Ka ji?

AMS: Sakamakon akwai abinda ya rubuta ya tura audio ne, muna son a bamu lokaci dan mu gabatar da shi a gaban kotu don kara tabbatar da abin da ya aikata

KT: Na dakata, kuma nayi umarni da tare shi WAK a gidan gyaran hali na kwaryar kano zuwa ran 28/4/2020 dogaro da sashi na 171(1) Kano state administration of criminal justice law 2019 sannan kuma duba da yanayin tuhuma ya nemi lauya.

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A yau ran 28/4/2020 MGK inspector Aminu Sani da WAK duk sunk gaban kotu.

K/WAK: Ka sami lauyan da zai tsaya maka?

AMS: Ban samu ba

KT: Nayi umarni da rubuta takarda zuwa legal aid council na Kano, don sanar da su tare da samun lauya da zai tsaya masa, na dakata zuwa ran 17/6/2020

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A yau ran 24/6/2020 inspector Aminu Sani MGK da WAK duk suna kotu.

K/Registra: ko an tura takardar?

AMS: Ea amma babu wani amsa da suka aiko, kuma babu wani lauya day a zo daga can.

KT: Nayi umarni da sake karanta masa F.I.R din

K/WAK: Ka fahimci abin da aka karanta maka?

AMS: Ea

K/WAK: ka kuma ga ne sosai abin da aka karanta?

AMS: Na ga ne.

K/WAK: Ka ji ana tuhumar ka da yin adalci da Annabi Muhammad (S.A.W) wadda hakan laifi ne wadda ya saba wa sashi na 382(B)KSSPC law 2000 haka ne ka aikata wannan laifi

AMS: gaskiya na aikata, amma ina neman afuwa.

K/WAK: Kana da hankali kuwa?

AMS: Ina da hankali amma ina neman afuwa,

K/MGK: Kaji yana nan akan ya aikata

AMS: In a rokon kotu ta kara bamu dama domin mu kara gabatar da abin da ya fadi da muryar SA wadda kuma tini

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hukumar yan sanda ta jahar Kano ta bayar an mayar da muryar ta sa zuwa rubutu, duk biyun zamu gabatar

KT: Ta amince na kuma dakata zuwa ran 27/7/2020 don sauraron wannan murya

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A yau ran 27/7/2020 mai gabatar da kara inspector Aminu Sani da WAK suna kotu

K/MGK: an sa yaune domin gabatar da murya shi WAK ya fadi wadda shi ne ya bayu zuwa wannan tuhumar, sannan ku7ma da abinda ya fadi gashi a rubuce, muna neman sahlaiwar wannan kotu a bamu dama mu sanya

KT: Tayi izini ga MGK ya sanya muryar

K/WAK: ka gane wannan muryar?

AMS: Ea

K/WAK: Kuma gaske ne kaine ka fadi wadannan magagganu

AMS: haka ne amma ina neman afuwa kuskuren harshe ne.

K/WAK: To muryar taka ce?

AMS: Taw ace.

K/MGK: Ka ji ya amsa, shikenan

AMS: Ga abinda ya fadi a rubuce muna son kotu ta karbi wannan rubutu da kuma audio a matsayin abin nuni na A da B a wannan shari'ar

K/MGK: Nayi umarni a bashi ya karanta don jin ta bakinsa

K/WAK: Shi ne abinda ka fadi a rubuce kamar yarda yake

AMS: Ea amma ina neman afuwa

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KT: Ta karbi wannan audio da takardar a matsayin abin nuni na A' B a wannan shari'ar tare da yin umarmim like wannan takarda a record din wannan shari'ar.

K/MGK: Shikenan?

AMS: Muna rokon wannan kotu mai daraja tunda dai shi WAK tun a ranar farko baya musun wannan tuhumar da ake yi masa kotu tayi masa hukunci.

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ABIN NUGH/B

1. Iye, Dan uwa ai ba babban mushriki irin Annabi Muhammadu shine cikakken mushiriki ko baka gane ba ai shine ya kawo shirka duniya shine mushriki kuma wadda kake cewa sayyada ta fi ka ta fi Uwarka ta fi Ubanka don sanin da tayi wa Annabi Muhammadu da Allah iyayen ka ma basu yi ba ta sansu ta kuma gansu tumbur ba riga ba wando tsirara. In da amsa kuma ka dawo da ita. Kuma ba za a cire ka daga Group din ba kuma muyi tayi e muyi tayi muga mune zamu hallaka ko kaine zaka hallaka dan gindin uwarka.

2. Wallahi Billahil Azimu ba zan cireka ba daga gidan nan sai dai muyi tayi na rantse da girman Allah Bazan kama Annabi Muhammadu in bar Gausu ba. Gausu kuma zan rike kuma ka je Lahira mu ga za ka ga Annabi Muhammadu Wallahi Shehu Ibrahim za ka gani na rantse da girman Annabi Muhammadu da kake takama dashi Shehu Ibrahim zaka gani Wallahi duk abin da aka ce Annabin da ka fada zaiyi Shehu Ibrahim ne yake yi din. Kuma Wallahi ba zan rike shi ba, Shehu Ibrahim na rike dan Gutsun Uwarka ko waye

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Musbahu Ashim

Official

SAMU DA LAIFI

Ni Aliyu Muhammad kani upper shari'a court judge Hausawa Kano state, na sameka kai Sharif Yahaya Sharifai da laifin yin batanci ga Annabi Muhammadu (S.A.W) wadda yin hakan laifi ne wadda ya sabawa sashi na 382 (B) na kano state shari'a penal code law 2000 wadda hukuncin wanda ya aikata shine kashe shi har ya mutu .

K/WAK: Kaji hukun cin da shari'a tayi tanadi akanka ka fahimta?

AMS: Na fahimta

K/WAK: To me kace?

AMS: Ina neman afuwar kotu ta sassauta mini

K/WAK: To kanayin shaye shaye ne?

AMS: A'a

K/WAK: To kana dai cikin hankalinka?

AMS: Ea ina da hankali

YANKAN HANZARI

K/WAK: Ko kana da wani hanzari wato wata hujja ko dalili wadda kotu zatai la'akari dashi wajen sassauta maka hukuncin da shari'a tayi tanadi?

AMS: Babu ina neman afuwa

K/MGK: Kuna da wani hanzari?

AMS: Muna son kotu ta hukunta shi tunda dai baya musu

KT: Ta kafa musu shedun hanzari mutum biyu

K/Mustapha Kaji abinda ya ce?

AMS: Yace yana neman afuwa

K/Abdullahi fa?

AMS: Yace yana neman afuwa

وقبل حكم يثبت الاعذار
بشاهدي عدل وذا المختار

KT Na dakata zuwa ran 10/8/2020 don gabatar da hukunci

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A yau ran 10/8/2020 inspector Aminu Sani MGK da WAK suna kotu

K/MGK: Kotu ta sa ne domin sauraren hukuncin, kuma a shirye muke

HUKUNCI

Asalin wannan shari'ar hukumar yan sanda ce ta jihar kano su ka gabatar da F.I.R a ran 20/3/2020 inda hukumar take tuhumar wani mai suna Sharif Yahya Sharifai mazaunin unguwar Sharifai kano da laifin kalaman batanci ga Annabi Muhammadu (S.A.W) inda yayi wadannan kalamai tare da turasu a group dinsu na whatsapp mai suna Gidan Umma Amina inda yake fadin cewa "ai ba babban mushriki irin Annabi Muhammad (S.A.W) shine cikakken mushriki, kuma ma shine ya kawo shirka duniya" da kuma fadinsa "bazan kama Annabi Muhammadu in bar Inyass" wadda wannan laifin ne day a sabawa sashi na 382(B) Kano state shari'a penal code law 2000.

Bayan kotu ta karbi F.I.R kamar yadda sashi na 126(A) na kano state Administration of criminal justice law 2019 yayi tanadi, kotu ta karanta masa kunshin tuhumar kamar yadda sashin na 129(7) na KSACJ law 2019 yayi tanadi a indashi WAK bayan kotu ta waiwaye shi inda yayi ikrari kamar yarda nassin JAWAHIRUL IKLIL JUZ 2 SH 226 yayi tanadi

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Ma'ana "idan mutum yayi ikrari to a kafa masa shedu"

Daga bisani kotu ta kara karantawa WAK kunshin tuhumar inda ya kara tabbatarwa ya aikata wadannan kalamai amma bisa kuskure, daga karshe mai gabatar da kara ya gabatar da muryar WAK wacce ta ke cikin audio da rubutaccensa a matsayin abin nuni na A da B. Daganan kotu tayi masa hanzarin kamar yarda shari'a tayi tanadi batutuwan da suka bayyana a wannan shari'ar sune

1. Hanyoyin tabbatar da wannan laifi wadda ake tuhumar WAK das hi
2. Matsayin ikrarin sa a wannan shari'ar
3. Shin yin wadannan magagganu ta cewa sakin baki ko kuskure zai iya zama uzuri a shari'a.

Dangane da batu na farko abune sananne a tsarin tafiyar da shari'ar cewa wannan laifi ko makamancinsa ana iya tabbatar da shi musamman ta hanyoyi guda biyu

1. Shedar mutane guda biyu ko
2. Ikrari

Duba TABSIRATUL HUKKAM JUZ 1 SH 314. Shima ya kawo gura ren da ake amfani da sheda

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Dangane da batu na biyu a kaidar shari'ar duk mutumin da yayi ikrari da aikata wani abu, to wannan ikrari yana da karfin hujja fiye da gabatar da shedu. Duba nassin da ya zo a BAHJA JUZ 1 SH 147

الإقرار بالنسب أولى من قيام البينة عليه

Ma'ana "yin ikrari da wani abu, shi ne mafi karfi"

Da kuma nassin da yazo a NIZAMUL KHADA 1 WAL MURAFA'AT FI SHARI'ATUL ISLAMIYYA SH 174

الإقرار سيد الأدلة فإذا كان بينا فلا خلاف في وجوب القضاء به.

Hakane fadin shi WAK cewa bias kuskure ne ya furta wadannan kalamai tare da turawa a shafin whatsapp dinsu shima wannan bazai zama wani uzuri ba. Domin a shari'ar ce cin mutunci Annabi Muhammadu (S.A.W) yana cikin abubuwan da ba a yi wa mutum uzuri idan ya aikata su. Duba nassin da yazo a TABYINIL MASALIK SHARHIN TADRIBUL SALIK ILA AKRABUL MASALIK JUZ 4 SH 483

ولا يعذر الساب بجهل لأنه لا يعذر أحد في الكفر بالجهل ولا يعذر بسهو وهو كثرة الكلام بدون ضبط وبدون تحفظ ولا يقبل منه دعوى سبق اللسان ولا دعوى سهو ولا نسيان

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Ma'ana "ba'a karbar uzurin wadda ya ci mutuncin Annabi (S.A.W) ta hanyar jahilci………………."

DUBA LITTAFIN SISILATUL IMANI WAL KUFRI NJUZ 8 SH 25.

ولا يعذر من سب دين الاسلام أو استهزء
او بالله تبارك وتعالى اومن النبي صلى
الله عليه وسلم ....

A karshe dogaro da hujjojin da suka gabata kotu ta gamsu shi WAK a matsayinsa na mai hankali, Musulmi ya aikata wannan laifi. Don haka dogaro da sashi na 382(B) Kano state shari'a penal code law 2000 da kuma abinda yazo a shari'ar DAN SHALLA VS THE STATE (2007) 12 mjsc at p53 inda kotun koli ta ke cewa

"The trite position of the law under shari'a is that who insults, defames or utters words or acts which are capable of bringing into disrespect…"

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Such a person has commited a serious crime which is punishable by death.

Nayi masa hukunci da kashe shi ta hanyar ratayewa.

DAMAR APPEAL

Wadda bai gamsu ba yayi appeal a High Court daga yau 10/8/2020

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