

An Analysis of the Interference of Qisas in Organ with Qisas in Person (Subject of Articles 296-299 of 2013 IPC)

Dr. Hamid Masjedsaraie¹✉
Dr. Saeid Molavi Vardanjani²

Received: 2016/5/2

Accepted: 2018/1/8

By virtue of the Articles 296-299 of IPC, if the perpetrator commits several crimes to the organs of a person by one or more than one strikes, the latter shall be subject to qisas in person or qisas in person plus qisas in organ and in some cases the latter shall be subject to payment of full Diah. However, there are other punishments provided under fiqh as well, which are sometimes more consistent with principles of penal law and the provisions of the Qur'anic Verses, Hadiths and usual Amaliyah. Now the question is if the said items are consistent the propositions of the Islamic fiqh. Given the necessity of consistence of the penal laws with Shariah, Seeking to legitimize the rules of penal code, this paper aimed to amend the above mentioned articles of law and proved that except for the ambiguity involved in the Article 298, this article and the Article 297 are not inconsistent with the credible fiqh authorities. However, the generality of the Article 296 and the provisions of Article are not defensible and must be amended on the basis of the strength of most of the evidence provided by the opponents.

Key words: *Non-interference, Qisas in organ, Qisas in person, Several strikes, Multiple crimes.*

1. Associate Professor, Semnan University

h_masjedsaraie@profs.semnan.ac.ir ✉

2. assistant Professor, Shahrekord University