

Summary of Apex Judgment, Abu Dhabi

UNITED ARAB EMIRATES

Ministry of Justice

Abu Dhabi Court of Appeal – Fourth Department

FINAL JUDGMENT (FULL ACQUITTAL)

Date: 2 Muharram 1417 H / 19 May 1996

Appeal No.: 188/1996

Trial Court Case No.: 152/1996 (Criminal Offences)

Presiding Panel:

- Chief Judge: Abdul Baqi Abdul Hakam
 - Judge: Hasan Shareef Al-Jafri
 - Judge: Mohammad Al-Aboodi
 - Court Secretary: Mr. Najeeb Ahmed
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Parties:

Appellant: Public Prosecution, Abu Dhabi

Appellees—Declared Innocent by the Lower Court:

1. Mr. Panikkaveetil Kottilugal Jabir (Indian National)
 2. Mr. Panikkaveetil Moideen Abdul Jabbar (Indian National)
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1. Case Synopsis:

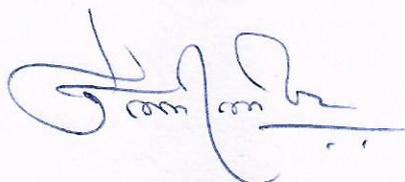
The Public Prosecution has filed an appeal against the lower court's verdict that acquitted the above-named appellees of alleged resistance to a public officer and physical assault. The initial criminal complaint was lodged by Mr. Hasan Saeed Hasan, the Plaintiff, acting in apparent concert with Police Officer Ahmed Abdullah Abdul Kadir.

However, the Court of First Instance had already determined that the appellees were in fact the victims of orchestrated assault and misuse of state authority. Notably, the Prosecution has introduced no new evidence to justify revisiting the acquittal.

Findings and Judicial Determinations:

2. False Allegations Fabricated by the Plaintiff and Policeman:

- The Court firmly established that **Mr. Hasan Saeed and the policeman Ahmed Abdullah conspired to unlawfully detain Mr. Jabir, falsely alleging criminal resistance.**



- The policeman **armed with a one-meter-long iron rod in one hand and shackles in the other**, shows **intent to threaten**, not to execute legal process.
- There was **no shred of admissible evidence** to justify their claims. On the contrary, multiple witnesses confirmed that the accused **neither resisted nor used force**, and were themselves victims of physical assault by the plaintiff and the policemen.

3. Eyewitness Testimonies – Exposing the Truth:

Three impartial eyewitnesses were heard by the Court, all independent of the parties involved:

1. Mr. Saleem Raza, a bystander:

- Affirmed that the **undercover officer** approached the shop aggressively, who was **wielding a one-meter iron rod** and banging violently on the door.
- Quoted him shouting **vile and racially charged insults**:

“Indian, Pakistani, Bengali—all are thieves and procurers!”

- Testified that the **Appellees identified the intruders as “thieves”** and urged him to **call the police**, which he did.
- Saw police **arrive and brutally assault** the Appellees within their shop premises, out on the street, and even inside the police van—**completely unprovoked**.

2. Mr. Zulfiqar Ali:

- Confirmed that the appellees **did not resist the police** in any form.
- Asserted that they were of **good reputation**, and he testified **without bias**, stating:

“I am a Pakistani and they are Indian—we have no connection. I am speaking the truth.”

3. Mr. Shirban Kalobar:

- His account **matched both prior witnesses**, reinforcing the truthfulness and consistency of their statements.

These consistent testimonies **discredited the prosecution’s entire narrative** and painted a picture of **a planned act of provocation** by Mr. Hasan and the policeman.

4. Abuse of Authority and Due Process Violations:

- What was falsely labelled an “arrest” was in fact a **forcible abduction**. The agent wore no uniforms, presented no badges, and acted solely on a procedural summons that had **no legal basis for detention**.
- The Court ruled this action as a **flagrant abuse of legal authority, violating Articles 2 and 3 of the Penal Procedure Code**.
- The police officer’s conduct was found to be **coercive, extrajudicial, and unlawful**.

5. Strong Evidence of the Accused's Innocence and Moral Conduct:

- **Mr. Jabir had already deposited the full sum of AED 74,000** representing the total amount of a cheque associated with the contested investment. **Official court receipt**, dated 25/10/1995, substantiate this payment, and the Plaintiff later admitted the same.

- Upon being subjected to unlawful aggression, **Mr. Jabir merely instructed his brother to secure the premises and call the police authority**—a reasonable and lawful act of self-defence.
- **Medical reports confirm severe injuries** to the accused underscoring their status as victims of the culprits' aggression.
- **Witnesses testified** that the accused were **well-behaved, law-abiding, and acted peacefully** despite being provoked and threatened.
- The **policeman himself issued a notarized disclaimer** (dated 17/03/1996, Ref. No. 2314/96) abandoning his complaint—clear evidence of his guilt and complicity.

6. Deceitful Motives and Perjury by the Plaintiff:

- The Plaintiff, Mr. Hasan Saeed, falsely claimed to have been injured, yet **his medical report showed only minor abrasions**, consistent with self-inflicted or accidental harm during an attempted escape after realizing his misconduct.
- **He later retracted all allegations**, admitting in court that he had no evidence against the accused.
- His conduct, the Court observed, **amounted to deliberate defamation**, aided by a complicit officer in a calculated attempt to harass and falsely incriminate two innocent men.
- The plaintiffs' conduct, marked by criminal assault and abuse of authority, **warrants thorough investigation, as already directed by the Court of First Instance** and reaffirmed by the appellate bench.

7. Closing Remark to Public Prosecution's Appeal:

- Justice cannot be built on unsupported claims. Islamic law, rooted in the Prophet's wisdom, demands clear evidence—something the prosecution has failed to provide: **"If people were to be judged according to mere claims, some would seize the rights, dignity, and liberty of others unjustly. The burden of proof lies upon the claimant."** — Prophet Muhammad (Peace Be Upon Him)
- This Court upholds this timeless principle and reiterates: **justice must not be allowed to become a tool of oppression, especially when the oppressor cloaks himself in the garb of authority.**

8. Legal and Moral Reasoning:

The Court emphasized:

"Islamic law and positive laws alike uphold the sanctity of human dignity by protecting a person's liberty, honour, property, and life. To die defending these values is martyrdom. The unlawful restriction of a person's freedom constitutes a grave and inexcusable offense, as outlined in Articles 2 and 3 of the Penal Procedures Code."

The accused acted with **dignity and restraint** in the face of **blatant abuse of power**, demonstrating conduct **far more lawful than their official persecutors**.

9. Final Judgment:

After examining all evidence, reviewing all testimonies, and assessing the conduct of the parties involved, the Court of Appeal issues the following binding judgment:

1. **The Public Prosecution's appeal is dismissed in its entirety.**
 2. **The judgment of the Court of First Instance acquitting the accused is fully upheld.**
 3. **The accusations against Mr. Jabir and Mr. Abdul Jabbar are declared false, malicious, and unsupported by law or evidence.**
 4. **The case documents shall be urgently forwarded to the Public Prosecution to investigate the heinous crimes of the culprits, Ahmed Abdullah and Hasan Saeed, including assault, abuse of power, and perjury.**
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10. Conclusion:

This **ruling reaffirms** the innocence and integrity of the accused, who were unjustly targeted through a **conspiracy orchestrated by private and state actors**. The Court condemns such misuse of police powers and judicial procedures, reiterating its commitment to uphold the rule of law and the sanctity of individual freedoms.

May the peace and blessings of Allah be upon His Messenger Muhammad, his family, and his companions.

Signed:

Judge Abdul Baqi Abdul Hakam (Presiding Judge)
Secretary Fuad Ali Mahmood (Secretary)

[Access Full 9-Page Apex Judgment via Secure Link for Citation and Verification](#)

Kindly refer to the following secure link for access to the complete 9-page judgment issued by the highest court of UAE, available in both the official Arabic version and its certified English translation, for cross-reference and authentication.

https://www.uae.legalcell.com/judgment_english_translation_01.html

https://www.uae.legalcell.com/judgment_final_arabic.html

THE END

