429557 - He hit a man who died after he took him to the hospital. What must he do now?

the question

I had a traffic accident; I struck a man and took him to the hospital, where I registered his information at the reception, and sat him in a chair and left him in the hospital. He did not appear to be in a bad state, and I did not expect that his injury would be serious and lead to death or internal bleeding. My greatest sin is that I did not follow up with him and contact his family, because I was scared; some of my papers and licences were missing, so I ran away. The man died when he was on the chair, because of the nurses' neglect and my neglect, as I did not follow up with him. But the family of the deceased pardoned me after my family intervened and settled the matter amicably. What is the ruling, and what expiation must I offer?

Detailed answer

Firstly:

If the man died in the chair in which you seated him, then what appears to be the case is that his death resulted from the accident, and the ruling concerning traffic accidents is as follows:

If the driver was not at fault, meaning that the car was in good condition in terms of brakes and the like, which could have caused the accident, and he did not transgress the rules in terms of speeding and manner of driving – according to traffic regulations – and he could not have avoided the accident, and the injured person is the one who was at fault, then in this case nothing is required of the driver.

But if the driver made a mistake that caused the accident, and the one who was hit by the car died – such as if he was travelling above the permitted speed limit, or he could have avoided the accident but did not do so, then this is a case of accidental killing, and accidental killing requires two things: blood money (diyah) and expiation (kaffarah).

Secondly:

You stated that the family of the victim have pardoned you, which means that the blood money is waived, but there remains expiation.

Allah, may He be exalted, says (interpretation of the meaning):

{And never is it for a believer to kill a believer except by mistake. And whoever kills a believer by mistake – then the freeing of a believing slave and a compensation payment presented to the deceased's family [is required] unless they give [up their right as] charity} [an-Nisa' 4:92].

The family of the victim have given up their right to the blood money or compensation payment, so that is waived, but the expiation remains. What is required is to fast for two consecutive months, because freeing a slave is not possible nowadays.

The scholars of the Permanent Committee were asked: In the case of expiation for accidental killing, is it permissible to give food to sixty poor persons, according to what one is able to afford, or must it be paid all in one go?

They replied: There is no option of giving food as expiation for accidental killing, because Allah, may He be glorified and exalted, has mentioned only two things in that regard. The first option is freeing a slave, and the one who cannot free a slave must fast for two consecutive months. Allah, may He be exalted, says {And he who does not find [a slave] – then a fast for two months consecutively} [al-Mujadilah 58:4]. And Allah is the source of strength. May Allah send blessings and peace upon our Prophet Muhammad and his family and companions.

Permanent Committee for Academic Research and Ifta'

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And Allah knows best.