

The Muzaffarnagar Whitewash - An Express Investigation, the three part investigation exposed the miscarriage of justice in the 2013 Muzaffarnagar communal riots, where at least 65 persons were killed.

The Express Investigation, for the first time revealed, that in the last six years- in all the murder and gang rape trials related to the Muzaffarnagar riots- where Muslims were named as victims - all the accused Hindu men were acquitted ; these records which were kept under the wraps by the Uttar Pradesh government, the Indian Express investigation revealed that 158 men accused of murder, gang rape and rioting walked free.

The Indian Express scrutinised court records and testimonies of complainants and witnesses and interviewed officials to find that — from one family burnt alive to three friends dragged into a field and killed, from a father hacked to death with swords to an uncle beaten to death with spades — 53 men accused of murder walked free.

How 10 murder cases fell: “Police tutored me...forced to sign blank papers”

Case by case: How 10 murder cases during Muzaffarnagar riots fell



At least 65 people were killed in the 2013 riots (Express photo: Ravi Kanojia)

60 people burnt my family alive: Witness

Date: September 8, 2013, Phugana police station.

Judgment: August 16, 2017.

Charges: Murder, rioting, arson against Gurmeet Malik, Neeraj, Devender.

Verdict: All acquitted.

FIR: Before succumbing to injuries, complainant Mohammed Akhtar said: “At 2.30 pm, I was at home with father Abdullah, wife Rahisa and brother Waheed. Around 60 accused, including Kala, Ompal, Satveer, Manjeet, Gurmeet, Pradeep, Harveer, Sanjeev, Ikwal, Kala, Arun, Rupendra, Mahak, Bhram Singh and Billu, armed with weapons and kerosene, burnt my wife and father alive, who died on the spot. They attacked my brother with weapons and killed him and set the house on fire.”

Witness: Akhtar’s son, Hashim said, “I was not present when my father, brother and sister-in-law were killed. Accused were not present in Shamli during the incident. I have not deposed under any pressure from the accused. I was not a witness to the incident.”

Red flags: Hashim told the court, “I recorded the statement under pressure from the police.



Burnt houses of riot victims in Shamli. (Express photo: Gajendra Yadav)

Videographed statement given under pressure, police tutored me: Witness

Date: September 8, 2013, Phugana police station.

Judgment: August 16, 2017.

Charges: Murder, rioting, arson against Arun, Mohit, Sanjeev, Kuldeep, Rupendra, Pradeep, Pramod, Rupendra, Mahak Singh, Satyaveer.

FIR: Before succumbing to injuries, complainant Mohammed Akhtar said: “At 2.30 pm, I was at home with father Abdullah, wife Rahisa and brother Waheed. Around 60 accused, including Kala, Ompal, Satveer, Manjeet, Gurmeet, Pradeep, Harveer, Sanjeev, Ikwal, Kala, Arun, Rupendra, Mahak, Bhram Singh, and Billu, armed with weapons and kerosene, burnt my wife and father alive, who died on the spot. They attacked my brother with weapons, killed him and set the house on fire.”

Witness, Akhtar’s son, Hashim said: “I was not present when my father, brother and sister-in-law were killed. Accused were not present in Shamli during the incident. I have not deposed under any pressure from the accused. I was not a witness to the incident.

Red flags: Hashim told the court, “My statement was video recorded in village Jaula. I did not go to the police station to record my statement. I video recorded the statement under pressure by police officials.”

Another witness, Ikwal said: “Police took my signatures on blank paper. I don’t why police named the accused. The video-graphed statement was given by me under police pressure. The police tutored me during the video recording.”





Made to sign on blank paper: Witnesses

Date: September 8, 2013, Phugana police station.

Judgment: January 31, 2018.

Charges: Murder and rioting against Danveer, Bilendra, Virendra, Neeraj, Kallu, Ashok.

Verdict: All acquitted.

FIR: Complainant Asiya, whose husband Asimuddin was murdered said: "At around 12.30 pm, my husband, his first wife and son were at home. Rioters set our house on fire. My husband and his first wife (Haliman), were old and could not walk, and were murdered during the riots. My son Sabir recognised the accused – Danveer, Bilendra, Neeraj, Jasveer, Indrapal, Kallu, Ashok."

Witness Asiya told court: "I know the accused present in the court, they did not commit murder. I did not see the accused who murdered my husband."

Two other witnesses, Latur Singh and Devendra told court: “Thumb impression was taken on a blank paper by the police.”

Red flags: All witnesses told the court that police did not record any statement that was read out in court. Asiya said, “Some people came and took my thumb impression. I did not name anyone.”



Jawans deployed in Shahpur area after a murder in the area was presumed to be a communal incident by villagers. (Express Photo by Gajendra Yadav)

3 bodies were found in a field

Date: October 30, 2013, Bhudhana police station.

Judgment: October 4, 2018.

Charges: Murder, kidnapping and rioting against Madan, Guddu, Praveen, Lalla.

Verdict: All acquitted.

FIR: Complainant Mohammed Kaish said: “Around 25 people, who came from Neeki Ram’s field, threatened us with weapons. Rajendra, Manga, Aravind, [Saran](#), Shailendra, Harmer, Azaad, Mange Ram, Harendra, Madan Pal, Lalla, Praveen, Guddu and eight others threatened us. They said that we are filing police complaints and that they have had to leave their homes to escape arrest. They dragged Amroj, Meherban and Ajmal’s body till Mohammedpur. I called the Pradhan and then we found three dead bodies in Shitaabi’s field.”

Witness Kaish Khan: “I did not give the names of the accused to the police, the accused present in the court were not involved in the incident.”

Red flag: Kaish told court, “Some people came to my house and took my signature on the complaint.”

Attackers said they will cut Muslims into pieces for filing complaints: Witness

Date: October 30, 2013, in Bhudhana police station.

Judgment: October 4, 2018.

Charges: Murder, kidnapping and rioting against Harendra, Brajveer.

Verdict: All acquitted.

FIR: Complainant Mohammed Kaish said: “Around 25 persons, who came from Neeki Ram’s field, threatened us with weapons. Rajendra, Manga, Aravind, Saran, Shailendra, Harmer, Azaad, Mange Ram, Harendra, Madan Pal, Lalla, Praveen, Guddu and eight others threatened us. They dragged Amroj, Meherban and Ajmal’s body till Mohammedpur. I called the Pradhan and then we found the three dead bodies in Shitaabi’s field.

Witness Kaish Khan: “I did not name the accused, the accused in the court were not involved.”

Red flag: Police told the court that the weapon recovered from the spot did not have any bloodstains.

No bloodstains on weapons: Police

Date: October 30, 2013, Bhudhana police station.

Judgement: October 12, 2018.

Charges: Murder, kidnapping and rioting against Mangey Ram, Arvind, Sharon, Rajender, Hamehar, Azad, Sensar Pal, Rajender.

Verdict: All acquitted.

FIR: Complainant Mohammed Kaish said, “Amroj, Meherban, Ajmal, Shah Alam and I were working at our field. At around 5 pm, 25 people threatened us with weapons. They dragged Amroj, Meherban and Ajmal’s body to Mohammedpur.”

Witness Kaish: “The accused persons did not murder them.”

Red flags: Police told court that the weapon recovered from the spot did not have any blood stains, and so was not sent for scientific examination.

Accused killed him with swords

Date: September 8, 2013, Phugana police station.

Judgment: October 9, 2018.

Charges: Murder, rioting, arson and dacoity against Harpal, Kuldeep, Chashm Veer, Sumit Pal, Ram Kumar, Sunil, Vinod, Anurag.

Verdict: All acquitted.

FIR: Complainant Zarif said, “At 10 am, the accused Harpal, Sunil, Brahm Singh, Sripal, Chasmveer, Vinod, Sumit, Kuldeep, Aravind attacked my family. Sripal hit my father’s (Islam) head with a sharp weapon and six others attacked him with swords. They set the house on fire.”

Witness Zarif told court: “The complaint was written by Gulzar (Zarif’s cousin). I only signed on the complaint. The accused present in the court were not involved in the incident.”

Red flags: Zarif told court that police did not record his statement and he did not witness the murder.

Family members murdered: Witness

Date: September 9, 2013, Mirapur police station.

Judgment: December 20, 2018.

Charges: Murder, attempt to murder, rioting and wrongful restraint against Manoj Bhadra Kashi, Bittu, Jogi, Anil, Sumit, Arjun.

Verdict: All acquitted.

FIR: Complainant Khaliq Ahmed said, “My nephew Sharique, Nasir and Shaan Mohammed and I were returning from Meerut. At our village, 40 people armed with weapons stopped us. My nephew Sharique and Shaan were attacked. We tried to escape. Our neighbours hid us at their homes. I can recognise the attackers, who are from my village – Tinku, Badal, Sandeep, Mohit, Satyakam, Manoj, Sani, Lacchi Raam, Darshan, Sunil and Chanchal.”

Witness Khalique Ahmed said: “The accused present in the court are not involved in the murder.”

Red flag: Khalique Ahmed told court, “The police did not question me during the investigation. I did not record the statement that is being read out to me in court.”

I was made to sign on blank paper: Witness

Date: September 9, 2013, Titawi police station.

Judgment: December 20, 2018.

Charges: Murder, attempt to murder, rioting against Gaurav, Kapil, Minto Balyan, Sumit

Verdict: All acquitted.

FIR: Complainant Arshad said, “My uncle Rojuddin and I were travelling to my village Mukundpur on a motorcycle... three young men stopped us. One of them Kallu, who is from my village, attacked us with a spade. My right shoulder was injured. Six men murdered my uncle with spades.

Witness Arshad: I cannot identify the accused who killed my uncle. The accused present in the court did not kill my uncle. I was injured when I fell off the motorcycle.

Red flags: Witnesses Mir Hasan and Jagvir told court that they were asked to sign blank documents.

Villagers told me to name accused: Witness

Date: September 9, 2013, Mirapur police station.

Judgment: January 9, 2019.

Charges: Murder against Neetu, Mohit, Sachin.

Verdict: All acquitted.

FIR: Complainant Saleem said, “When my brother Nadeem did not return, we went in search of him. We saw residents of our village fleeing the field owned by Shaudan Singh, they were all carrying weapons. We found my brother’s dead body in the same field.”

Witness Saleem: “The accused did not kill my brother Nadeem. Villagers told me the names of the accused and Rajendra, from our village, wrote their names in the complaint.”

The Muzaffarnagar whitewash: Like in murder, accused got away in rape, rioting cases too

At least 65 people were killed in the 2013 riots, all these cases were registered and investigation began when the Akhilesh Yadav government was in power, the trial spanned both his and the current BJP government.



Burnt houses of riot victims in Shamli. (Express photo: Gajendra Yadav)

Witness after witness, even police officers, turning hostile; victims openly alleging fear and intimidation; long delays in medical examination in gangrape cases, in one case a delay of three months; no cross-examination of doctors or police — the list goes on.

In 40 of the 41 Muzaffarnagar riot cases, all the accused walked free. An investigation of court records of these cases by [The Indian Express](#) shows that just as with the 10 cases of murder reported Friday, in the four cases of alleged gangrape and 26 cases of rioting as well, there were

glaring gaps in prosecution which resulted in the acquittals of 168 men. All acquittals are in cases involving attacks on Muslims.

At least 65 people were killed in the 2013 riots, all these cases were registered and investigation began when the Akhilesh Yadav government was in power, the trial spanned both his and the current [BJP](#) government.



A mosque in Shamli district from where Islam (65) was chased and killed on September 8, 2013.
(Express Photo: Gajendra Yadav)

Consider the key findings in the four gangrape cases that the court used to justify the acquittals:

-A victim in one case deposed that her medical examination was conducted after three months. The doctor told the court: “We did not find any bodily injuries during the medical examination. It was found that she is 17 weeks pregnant.” There is no mention of the delay. Neither the doctor nor the investigation officer was cross-examined to explain the delay.

-In the second case, the victim was examined one full week after she filed her complaint. However, the acquittal order makes no mention of the doctor’s final opinion and only states that he proved the authenticity of the medical examination documents before court. There is no word on what his findings were.

-The third case merely mentions a “medical examination report”. Not only is the order silent on the findings in that report but court documents show that the doctor was not even listed as a witness.

This is in clear violation of procedure under law.



Not just murder and rape, the cases of rioting show that due process went out of the window in the 26 rioting cases as well. (Express photo: Gajendra Yadav)

-In the fourth case, the judgment points out that the victim was examined 40 days after she filed the complaint. The doctor deposed that the victim “is a mother of five children and conducting a medical examination is not justified...and there is no indication of rape.” The doctor wasn’t cross-examined to either explain the delay or his conclusion.

-In two cases of alleged gangrape, the victims told the court that they were “tutored” by police to name the accused. The police were not cross-examined to explain this.

-In the four cases, a total of seven witnesses, all relatives of the victims, did a U-turn in court and retracted their statements to the police. They said they fled to escape the mob and saw nothing.

-In two cases, witnesses, again relatives of the victims, deposed that it was not the police recorded their statement but “someone else” in the riot relief camps.

-Two victims told the court they were tutored by police to name the accused to get compensation. Two others testified that they were asked to sign on blank paper by an unnamed officer in riot relief camps.

The court concluded that in all the four gangrape cases, statements under Section 164 CrPC by the four victims “isn’t substantive evidence.”



At least 65 people were killed in the 2013 riots (Express photo: Ravi Kanojia)

An illustrative gangrape case is the one registered at the Phugana police station on September 26, 2013. The victim told *The Indian Express*: “I remember everything that happened that day. I was on the first floor and my family was on the ground floor. A mob of over 50 men carrying arms continuously were raising slogans and then started firing. Everyone on the ground floor escaped and I was left alone.”

“The accused barged in and dragged me. I tried to resist. Three of them committed gangrape. I can still identify each of one them. In fact, my mother-in-law also saw them. She can also identify them. They were the same people present in the court.”

She said that she initially used the Rs 5 lakh compensation to hire a lawyer from Delhi but later chose to buy a house in another village instead – a move that, she said, backfired. “The accused started coming to our new house. My husband was out on work for three months at a stretch. Since we have didn’t enough money, I was forced to work as a labourer during the harvest season where I cut grains. At work also, I was intimidated,” she said.

“After a few months, I could not afford a lawyer and no protection was given to me by police or court. Even during the trial, the accused were made to stand next to me. I continued to get threats and finally, my family decided not to pursue the case. The police told me I can win only if I have a private lawyer to fight the case. And when we earn less Rs 15,000 to feed eight people, where will we fight any case? I want to my family feel safe, without any threat. That is the only justice for me,” she said.

Not just murder and rape, the cases of rioting show that due process went out of the window in the 26 rioting cases as well.

Two cases stand out – both were filed by police officers on duty during the violence. And, during trial, the same officers told court they could not identify the accused.

Consider the key findings based on an investigation of records in these 26 cases:

-In 10 cases, not a single police officer was examined and 13 witnesses deposed that “some officials” took their signatures or thumb impressions on blank paper. Another 52 witnesses turned hostile to testify they had fled before the riots.

-In an FIR at the New Mandi police station in Muzaffarnagar district, police filed a rioting case against three accused. The FIR by sub-inspector (SI) Kali Charan stated: “At Bachan Singh Colony around 75 people, raising religious slogans, set shops on fire...I can clearly recognise the people involved in the violence.”

But during trial Charan told court that “he could not recognise the faces of the accused in the dark”. The court pulled up the police and said that it “it did not examine any of the witnesses whose shops were attacked”.

-At the same police station, another case filed by a police officer named nine accused. “I heard firing... and found that a mob was raising slogans saying they will defy the curfew. One of them started firing at police. We arrested the accused and a few fled from the spot,” stated SI Raghu Raj Singh in the FIR.

But in court he deposed: “I did not witness the firing. We tried to catch the accused but there was chaos at the spot where the incident took place.” Another officer, SI Raghuraj Bhati deposed: “Accused fled from the spot and neighbours did not tell us anything about their identity.”

Raghuraj testified in court that he “did not compile an arrest memo...While 5 persons were arrested by us, only the signatures of 4 are there in the official document.”

The UP government is not planning to appeal the acquittals. Speaking to The Indian Express, Dushyant Tyagi, District Government Counsel, Muzaffarnagar, said: “We are not filing appeals in any of 2013 Muzaffarnagar riot cases, which ended in acquittal, because in all cases, the prime witnesses were declared hostile by court after they did not support the prosecution theory. The chargesheets against the accused were filed on the statement of witnesses.”

Express investigation: In 40 of 41 Muzaffarnagar riot cases, including murder, all accused are acquitted

Hostile witnesses, missing evidence — court records of the 10 murder cases show glaring gaps in prosecution



A mosque in Shamli district from where Islam (65) was chased and killed on September 8, 2013.
(Express Photo by Gajendra Yadav)

Five prosecution witnesses did a U-turn in court to say they weren't present when their relatives were murdered — when the FIRs mentioned otherwise.

Six prosecution witnesses turned hostile and deposed that police forced them to sign blank papers.

Police did not produce murder weapons in court in five cases.

The prosecution never cross-examined police on these.

In the end, all witnesses turned hostile.

These are among the several glaring holes *The Indian Express* found in the Uttar Pradesh government's prosecution cases in 10 murder cases filed on the violence that swept through Muzaffarnagar in 2013, killing at least 65 people. Based on the testimonies, and holding that witnesses, mostly relatives of those killed, had turned hostile, the courts acquitted all in the 10 murder trials that ended between January 2017 and February 2019.

In fact, since 2017, Muzaffarnagar courts have delivered verdicts in 41 cases linked to the riots — and delivered a conviction in just one case of murder. All the 40 acquittals have come in cases involving attacks on Muslims.



A boy looks at a burnt house of a Muslim family at Lisad village in Muzaffarnagar district (UP).
(File/Express photo by RAVI KANOJIA)

All these cases were registered and investigations launched under the Akhilesh Yadav government. The trials spanned both his and the current [BJP](#) government. The only conviction came on February 8 this year, when the sessions court sentenced seven accused — Muzammil, Mujassim, Furkan, Nadeem, Janangir, Afzal and Ikbal — to life in prison for the murder of cousins Gaurav and Sachin in Kawal village on August 27, 2013, the incident that is said to have triggered the riots.

The Indian Express scrutinised court records and testimonies of complainants and witnesses and interviewed officials in the 10 cases of acquittal to find that — from one family burnt alive to three friends dragged into a field and killed, from a father hacked to death with swords to an uncle beaten to death with spades — 53 men accused of murder walked free.

That's not all, a similar trend has emerged in four cases of gangrape and 26 cases of rioting, as well.

The UP government says it's not planning to appeal. Speaking to The Indian Express, Dushyant Tyagi, District Government Counsel, Muzaffarnagar, said: "We are not filing appeals in any of 2013 Muzaffarnagar riot cases, which ended in acquittal, because in all cases, the prime witnesses were declared hostile by court after they did not support the prosecution theory. The chargesheets against the accused were filed on the statement of witnesses."

According to Tyagi, notices have been issued to all hostile witnesses under Section 344 of the Code of Criminal Procedure (CrPC), which mandates a summary trial procedure for false evidence.



Victims of the Muzaffarnagar riots, taking shelter at a relief camp. (Express Photo by Ravi Kanojia)

Consider the key findings from court records of the 10 murder cases that ended in acquittals:

69 men were named by complainants but only 24 were put on trial. Another 45 men who were put on trial were not even mentioned in the original complaint.

While each FIR mentions murder weapons, police recovered this crucial piece of evidence only in five cases. For instance, in the murder of three men, Amroj, Meherban and Ajmal, in Bhudhana on September 8, 2013, the court passed acquittal orders in three separate cases. The murder weapon, a 'balakatti' (sickle), was recovered by police from one of the accused. But in one case, the weapon was not produced in court; in the second, it was placed as evidence but police said it "did not contain any bloodstains" and, therefore, they "did not send it for further scientific analysis"; in the third, it was placed but no police witness was examined about its recovery.

In the murder of couple Asimuddin and Halima, in Phugana on September 8, 2013, police named two independent witnesses to prove the search and seizure of evidence. But both deposed that no such seizure took place in their presence and that they were asked to sign on "blank paper" by police. Similarly, in the murder of Rojuddin in Titawi on September 8, the independent witness said no seizure took in place in his presence, and that "all documents were prepared in the police station" before his signatures were taken by police.

In the murders of three men, Sharique in Mirapur, Rojuddin killed in Titawi and Nadeem in Mirapur, the prosecution named doctors who conducted the postmortem as witnesses. But in court, the doctors were only asked to "prove", or verify, the medical examination documents. The prosecution did not cross-examine them on the nature of injuries or the cause of death.

In the murder of Asimudin and Halima, the prosecution did not produce a postmortem report, on which the court noted: "The prosecution has placed only the complaint, the FIR, the general diary entry and site plan of the recovery. No other document or evidence has been produced by the prosecution."

One illustrative case among the 10 that ended in acquittal is the killing of Islam (65) on September 8, 2013, under the Phugana police station in Muzaffarnagar.

The FIR filed by Islam's son Zarif states that "the accused Harpal, Sunil, Brahm Singh, Sripal, Chasmveer, Vinod, Sumit, Kuldeep, Aravind, raising religious slogans, attacked my family with weapons. Sripal hit my father's head with a sharp weapon and six others attacked him with swords. They set the house on fire. My brother rushed my father to the government hospital where he was declared dead."

But during the trial, Zarif, according to the acquittal order, told the court, "My father was murdered and the complaint was written by Gulzar (a relative). I only signed on the complaint. The accused present in the court were not involved in the incident." Three other witnesses, too, said the accused weren't involved.

Speaking to The Indian Express, Zarif, a labourer, doesn't remember the date when he deposed before the trial court and turned hostile. In court records, his testimony states that he failed to identify the accused.

But his memories of the day his father was killed are vivid. "He died in hospital, hours after he was murdered. He had identified Harpal, Sunil, Sripal, Chasmveer, Vinod, Sumit Pal, Kuldeep and Arvind from our village. These names feature in the FIR because my father identified all the accused," he said.

"All the Muslim families fled the village and only we stayed back. Village elders, including the sarpanch, took us to the mosque and assured that we will be protected. Since the promise was made inside a place of worship, we believed them," he said.

"But within hours, we sensed the situation getting tense. My father called the thana in-charge but he did not respond. We requested a local politician for help and he said the Army was on its way. But by then, it was too late. The same people, who assured that we would be safe, attacked and killed my father."

However, on October 9, 2018, before judge Himanshu Bhatnagar at the Muzaffarnagar sessions court, Zarif, as per records, refused to identify any of the accused.



“Village elders, including the sarpanch, took us to the mosque and assured that we will be protected. Since the promise was made inside a place of worship, we believed them.”

Asked why, Zarif said: “Those who have been acquitted are the ones involved in the murder. Because of our weakness, we had to compromise. If we had the capacity, we would have fought the case up to the High Court and Supreme Court. But when we don’t have money to feed our families, what is the purpose of seeking justice from court?”

Like the other murder cases that ended in acquittal, Islam’s trial is not just about his son turning hostile. Court records show the investigation was riddled with contradictions.

For instance, only five of the eight men that Zarif had named — Harpal, Kuldeep, Chashmveer, Sunil and Vinod — were put on trial. Zarif also alleged that police refused to record his father’s statement before his death.

“My father was alive for a few hours. He was seriously injured but despite that, he asked police to record his statement, as he had identified all the persons who attacked him. But instead, they took us to Shamli hospital. We waited for hours but there were no police personnel to record his statement. The most crucial evidence was never recorded because police were protecting the accused,” he said.