



IMPORTANCE OF MEDICOLEGAL AUTOPSY IN THE MANAGEMENT OF MEDICOLEGAL CASES

Dr.Mahendra Yashwant Sawant

Assistant Professor, IES Management College and Research Centre, Bandra Reclamation, Mumbai, Maharashtra.

Abstract

Medical Jurisprudence or state medicine deals with the medical aspects of law. Legal medicines are also called as forensic medicine. The death is a definite phenomenon in every living being. Death is certain in all human beings. It can be a natural or unnatural death. In a case of natural death due to ageing process or disease/s, there is no question arise of the death investigations as the cause of death is known. But in the cases of unnatural death which can be due to suicide, homicide or accidental, a medicolegal autopsy or postmortem examination is a special type of scientific examination of a dead body carried out under the laws of the State. It is carried out mainly for the protection of the citizens and to assist the identification and prosecution of the guilty in cases of unnatural deaths.

This research paper is written to prove the importance of medicolegal autopsy in the management of medicolegal cases in India. Research scholar has chosen this topic as being the post-graduate in medicine, law and management.

Key Words: Medicolegal, Autopsy, Postmortem, Forensic Medicine, Crime.

1. Introduction

Autopsy (autos= self; opis= view) literary means to see for oneself. A medicolegal autopsy or post mortem examination (post= after; mortem= death) is a special type of scientific examination of a dead body carried out under the laws of the state mainly for the protection of its citizens & to assist the identification & prosecution of the guilty in cases of unnatural deaths. As such, it requires state permission (Govt. permission) and must meet with certain essential requirements. Legal medicines is also called as forensic medicine. The purpose of writing this research paper is to prove the importance of medicolegal autopsy in the management of medicolegal cases.

2. Literature Review

Objectives of a Medicolegal Postmorte Examination

Objectives of a medicolegal postmortem examination are

1. To determine the identity of the person.
2. a) To determine the cause of death, whether natural or unnatural.
b) If unnatural, whether suicide, homicide or accident
c) In all cases, but more important in homicide to collect and document trace evidence, if any, left by the accused on the victim.
d) To identify the weapon, person or person responsible for death.
e) In case of fatal wounding, to determine the volitional activity possible after such trauma.
3. To estimate the approximate time since death.
4. In case of newly born infant, to determine the question of live birth and viability of the child.
5. In case of mutilated, fragmental or skeletal remains, to determine if they are human; & if human, the probable cause of death& approximate time since death; and
6. To restore the body to the best possible cosmetic appearance before it is released to the relatives.

The Essential Requirements of a Medicolegal Autopsy are

- a. It should be performed by a registered (licensed) medical practitioner having special training or experience in forensic medicine (forensic pathology).
- b. The examination should be meticulous & complete and one should routinely record all positive findings & important negative ones.
 - Absence of skull fracture in a case of head injury.
 - Absence of defense injuries in a case of struggle.
 - Condition of coronary arteries in a case of sudden natural death.
- c. All information must be preserved by written records including relevant photographs, radiographs, sketches on body diagrams, measurements and weights.
- d. Trace evidential material when recovered should be properly documented & preserved and
- e. From the data so obtained, the medical officer should provide factual & objective medical report for the law enforcement agencies keeping in mind that he may have to explain his findings & opinions at the time of cross examination in a court of law.



The Precaution to be taken while conducting a Medicolegal Autopsy/Postmortem

1. Authorization.
2. Identification.
3. Visit to the scene of crime.
4. History of the case.
5. Examination.
6. Verification of injuries noted at the inquest (by the police).
7. Notes.
8. Preservation of the viscera & other tissues
9. List of the articles.
10. Chain of evidence.

1. Authorization: Authorization for medicolegal autopsy is given by the coroner, police or magistrate when a dead body is sent for an autopsy, it is always accompanied by a dead body challan, an inquest report or pacnchnama and the “first information report” called in short as FIR.

2. Identification: The body of the deceased should be identified by the police constable who brought it or if necessary by the relatives in presence of the medical officer who should make a note of the names & addresses of such person. In all case & especially in the case of unknown bodies, it is necessary to note all particulars such as race, religion, sex, age, social status, height, weight, dental formula etc.

3. Visit to the Scene of Crime: A crime scene visit is worth undertaking when the scene exists by a medical officer (doctor). If due to pressure work, hour of day, distance etc. the medical officer is not able to visit the crime scene, a written report of crime scene evaluation by a forensically trained investigator is very helpful in favor of natural cause, suicide or accident. In such cases, a costly murder investigation, autopsy & laboratory procedures can be spared.

The medical officer should proceed with the examination only after the scene has been documented by photograph, diagram or sketch and the search for physical & trace evidence is conducted.

Disadvantages of Not Visiting the Crime Scene are,

1. In the process of removal of the body to mortuary, fresh abrasions may be produced.
2. Clothing will be disarranged; blood stain may form a part of the garments originally free from them.
3. Rough handling of the dead body by mortuary assistants may result in fresh tears in clothes & even fracture of ribs or bones of the extrimities especially in the elderly or debilitated.
4. Existing rigor mortis may be broken down at least partially.
5. Body temperature will change.

All these may mislead the medical officer who performs autopsy.

4. History of the Case: It is very important for the medical officer before the autopsy, so that

- a. He can take special care to examine as particular body part, eg.
 - Neck in a case of asphyxial death or
 - Uterus & fallopian tubes in case of abortion.
 - Needle marks in case of injection of poison.
- b. He may use special equipment, eg. Sexual assault kit.
- c. He can preserve finger nail scrapings and clippings for trace evidence (hair, blood or skin of the assailant).

5. Examination: When a medicolegal autopsy is being performed, those not officially concerned with the investigation of the case should not be allowed. If the deceased had been under medical care, his physician should be encouraged to be present so as to obtain appropriate information regarding medical history and administration therapy.

The accused or the relatives of the deceased should be informed of the place and time of autopsy so that they may be represented by a lawyer or doctor. This is to be preferred to a second autopsy. The autopsy should be performed without undue delay after receiving the requisition. The medicolegal autopsy is performed on all the days of the week inclusive of public holidays to avoid any delay in the process of crime investigation. The examination should be done in day light. Unless adequate artificial light is provided, jaundice, characteristic postmortem stains in certain cases of poisoning and color changes in bruises, may otherwise be difficult to appreciate. In peripheral places where cold storage facilities are not available even if the body is brought by the police at any time of night, an external examination should be carried out immediately with special



reference to body temperature, postmortem lividity, rigor mortis, external injuries etc. so as to obviate effects from advanced postmortem changes, when autopsy is done the next day.

6. Verification of Injuries: The injuries recorded in the inquest report should be verified. Postmortem injuries may have been misinterpreted as ante mortem injuries.

7. Preservation of Viscera & other Tissues: These are preserved for chemical analysis under the following circumstances,

1. When the investigating officer so requests,
2. When the medical officer suspects the presence of poison by its smell or some other evidence while conducting autopsy or injury cases,
3. To exclude poisoning in instances where the cause of death could not be arrived at after a full autopsy & there is no natural disease or injury,
4. In decomposed bodies and,
5. In alcoholics.

Any tissue which is likely to provide evidence should be preserved in 10% formalin for histopathological examination. In most cases, preservation of blood, urine, body fluids & viscera is all that is required the quantity should be measured & recorded.

[In Forensic Work, the Common Causes of Unnatural Death are Violence & Poisoning.]

Reporting of Cause & Manner of Death After a Postmortem Examination

When the autopsy is completed, the medical officer must form an opinion as to the cause & manner of death & probable time since death. The abstract of this opinion should be given to the police constable accompanying the dead body for communication to the investigating officer. The information must include account of the deceased history, description of the fatal environment and circumstances surrounding death.

E.g. From the history of the case and autopsy findings,

“I am of the opinion that this 50 years old man died due to hemorrhage from ruptured spleen as a result of a blow on the abdomen by the assailant.”

The Certificate about the Cause of Death is Issued within 24 Hours after Conducting an Autopsy

- a. **Cause of Death:** It is defined as a disease or injury or a combination of both that brought about cessation of life. When there is a delay between the onset of a disease process or infliction of injury and the ultimate death of an individual, the proximate and immediate cause of death must be distinguished. The proximate cause of death is the disease or injury that initiated a series of events that led directly to the immediate cause of death.
E.g. Suppose a person dies a peritonitis two weeks after a stab in the abdomen, then the immediate cause of death is peritonitis and the proximate cause of death is a stab wound of the abdomen.
The physio-pathological or bio-chemical disturbance.
E.g. Shock, sepsis, metabolic acidosis, ventricular fibrillation, respiratory arrest etc. produced by the cause of death constitutes the mechanism of death.
- b. **Manner of Death:** This is an expressed opinion based upon all available information of a particular case. This includes autopsy findings, laboratory reports, scene of death, medical history etc. it can be classified as,
 1. Natural.
 2. Suicide.
 3. Homicide.
 4. Accident.
 5. Undetermined (presumed to be natural).

Illustrative Examples of Cause and Manner of Death

1. Cause of death: Ischemic heart disease.
Manner of death: Natural.
2. Cause of death: incised wound of the wrist, self-inflicted.
Manner of death: Suicide.
3. Cause of death: Asphyxia by throttling (manual strangulation).
Manner of death: Homicide.
4. Cause of death: Shock & hemorrhage due to multiple fractures, run over by a truck.
Manner of death: Accident.
5. Cause of death: Unknown or unascertainable- no disease, no injury, no poisoning.
Manner of death: Undetermined, presumed to be natural.



When there is no grossly discernible cause of death, then histological examination should include at least six sections of the heart to exclude myocarditis.

3. Research Methodology

3.1. Objectives of the Study

1. To study the importance of medicolegal autopsy in management of medicolegal cases.
2. To study the recent scenario of death investigations in medicolegal cases in India.

3.2. Type of Research

This is an applied research which aims at finding a solution or certain conclusion for an immediate problem facing a society. The researcher will discover a solution for some pressing practical problem.

3.3. Hypothesis

In death investigations of medicolegal cases need scientific autopsy findings to find out the exact cause of unnatural death.

3.4. Sources of Data Collection

- a) It is a **Desk research or Secondary research** which involves the summary, collation and/or synthesis of existing research where data is collected from the orders or judgments in medico legal cases by Session Courts, various State High Courts and the Supreme Court of India.
- b) **Secondary Data:** The researcher has collected the secondary data from
 - i. Information gathered from medico legal cases decided by the competent courts of law in India and medicolegal & forensic books, medical magazines, newspapers, Published data from various research journals, law journals & internet.
 - ii. Availability of previous statistical data of medico legal cases.
 - iii. Data collected, will be analyzed and produced scientifically.

3.5. Limitations of the Study

The study is restricted only to five case studies or case laws decided by the Indian courts related to the medicolegal autopsy in medicolegal cases in India.

4. Research Data / Materials

Five medico legal cases related to the unnatural death are studied in detailed for the purpose of research. All the data collected for the research purpose is mainly the secondary data obtained from the judicial decisions / judgments from the various medico legal cases of criminal nature tried in court of law mainly various Session courts, High Courts and Supreme Court of India.

Recent Case Studies or Case Laws on Medicolegal Autopsy in the Management of Medicolegal Cases in India

4.1. State of Delhi Vs. Lalit S/o Dhul Nath and Dhul Nath on 19 November, 2013 in the court of Shri. Narinderkumar , Additional sessions judge (central), Delhi District Court.

1. In this case, Lalit accused and his father co-accused Dhul Nath have been facing trial for an offence under Section 498A IPC. Charge for an offence U/s 302 IPC and in the alternative for an offence U/s 306 IPC was also framed against Lalit accused and his father Dhul Nath, accused.
2. In brief, accusation levelled against accused persons is that both of them subjected Ms. Manisha @ Tejaswani (wife of accused Lalit) to cruelty/harassment, when their unlawful demands were not met with. It is also case of prosecution that on the night intervening 02/03.11.2012, Manisha @ Tejaswani was found dead at her matrimonial home and her husband did commit her murder by intentionally causing her death.
3. Case was registered on the statement of Sh. Sunder, father of Manisha @ Tejaswani, wherein he levelled allegation of cruelty at the hands of both the accused persons on account of non fulfillment of their demands for dowry. This statement was recorded by Shri. Pawan Kamra, Sub Divisional Magistrate.
4. Dead body of Manisha @ Tejaswani was got subjected to autopsy. In the opinion of the doctor, death was combined affect of asphyxia and venous congestion as a result of antemortem hanging.
5. In this case the court finds that prosecution has not been able to substantiate accusation levelled against any of the two accused for any of the offences i.e. U/s 498A, 302 or 306 IPC. Accordingly, both of them are acquitted by the court of law while extending to them benefit of doubt.

4.2. Raghubar & Others Vs. State Of U.P on 27 May, 2014 in High Court of Judicature at Allahabad

Present criminal appeal is directed against the judgement and order dated 26th July, 1995 passed by learned 9th A.D.J. Meerut Shri Chintamani Dungarkoti in ST No.668 of 1986 State vs. Raghubar and others thereby convicting and sentencing



the applicants, U/s 302/149 I.P.C. to undergo life imprisonment with fine of Rs.2000.00, each and in case of default in depositing the fine to undergo 6 months R.I., under Section 323/149 of I.P.C. to undergo one year R.I. with fine of Rs.1000.00 each and in case of default to undergo 6 months R.I. under section 147 I.P.C. to undergo 1 year R.I. with fine of Rs.1000.00 each and in case of default to undergo 6 months R.I. and U/s 148 I.P.C. to undergo 1 year R.I. with fine of Rs. 1000.00 each and in case of default to undergo 6 months R.I.

Complainant party was in possession of the land in question, as also cultivated the paddy and grew paddy, thereupon the question of appellants exercising the right of private defence did not arise and such a right could be claimed by complainant, and accused were aggressors when they had come to field to harvest paddy through hired labourers as they were armed fully and when they were asked not to harvest paddy, they chased and assaulted the witnesses. In this situation right of private defence was not extended and as apparently there had been no intention to kill hence conviction was recorded under Section 304 Part I. Here also the intention to kill does not appear from the facts and circumstances and possibility of appellants committing the crime without any intention to cause death cannot be ruled out, but the seat of injuries, number of injuries does reflect that the appellants had the knowledge that it is likely to cause death and accordingly, the conviction in the present case is altered from section 302/149 I.P.C. to Section 304 part II along with Section 149 I.P.C. and sentence of 8 years of R.I. is awarded along with fine of Rs.2000/- each and in case of default in depositing the fine to undergo 6 months further R.I. Remaining conviction and sentence is affirmed. Thus, medicolegal autopsy report played a vital role in the final court decision.

4.3. Ami Chand Son of Hari Singh Vs. State Of Haryana on 20 February, 2013 in the High Court of Punjab and Haryana at Chandigarh

This is a case of a murder of Smt. Sarna Devi (deceased) by her husband Ami Chand (appellant herein) with a 'Chhura' (knife) caused injuries to her at two places in the abdomen, right arm and neck. Deceased was taken to Civil Hospital, Yamuna Nagar by her brother Daulat Ram, where, she was got admitted and finally died on 23.02.2007 itself at about 09:15 p.m. Appellant was arrested by the police.

After hearing both the sides, learned trial Court vide impugned judgment of conviction dated 03.01.2008 convicted the appellant for commission of offence punishable under **Section 302 IPC** and sentenced him to undergo imprisonment for life and to pay a fine of ₹5,000/- and in default, thereof, to further undergo rigorous imprisonment for three months. But, in the appeal made by Ami Chand in the High Court of Punjab and Haryana at Chandigarh, court found that in these circumstances, appellant could not be held guilty for commission of offence punishable under Section 302 IPC. On the contrary, he was guilty of commission of offence punishable under Section 304-II IPC. Appellant is acquitted of offence punishable under Section 302 IPC and convicted for commission of offence punishable under Section 304-II IPC and sentenced to the period already undergone by him in jail during investigation, trial and pendency of the appeal. Thus, medicolegal autopsy report played a vital role in the final court decision.

4.4. State Of Maharashtra vs. Shivaji Anandrao Chede on 27 June, 2002 in Bombay High Court

1. This is an appeal moved by the State of Maharashtra against an order of acquittal passed by the learned Sessions Judge at Osmanabad, in Sessions Case No. 50 of 1983 on 14th August, 1984, by which the present respondent-original accused Shivaji Anandrao Chede, an Advocate with the Bar Council of Maharashtra and Goa at Bombay came to be acquitted from the offence punishable under **Section 302** of the Indian Penal Code. Accused murdered his second wife Nirmala who was pregnant at his Washi house (matrimonial home). She died a homicidal death on the night of 11th May, 1983 (leading to 12th May, 1983) and the cause of death given was strangulation and smothering, as per the post-mortem report.

2. The Bombay High Court after careful examination of the post mortem/autopsy reports of the deceased Nirmala confirmed the punishment of life imprisonment to an accused Adv. Shivaji Anandrao Chede under sec.302 of IPC who was acquitted by Session Court, Osmanabad, and Maharashtra.

Thus, scientific autopsy report gave a justice to the victim.

4.5 The State Of West Bengal Vs. Debabrata Das @ Debu on 3 March, 2016 in The High Court at Calcutta Criminal Appellate Jurisdiction, Appellate Side.

In this case the learned Additional Sessions Judge, Contai, within the district of Purba Medinipur in that Sessions Trial convicted the present accused Debabrata Das in respect of the charge under **Section 302** of the IPC and sentenced him to death. The accused has preferred an appeal being CRA No. 520 of 2015 and the proceedings of that Sessions trial was also submitted by the Trial Court for confirmation of the death reference.

The Hon'ble High Court at Calcutta Criminal Appellate Jurisdiction, Appellate Side awarded sentence of imprisonment for life to the accused/appellant and further he would not be released from prison until he had served out at least 20 years of



imprisonment under **Section 302** of the I.P.C including the period already undergone by him. Apart from this substantive sentence the accused convict will have to pay fine of Rs.5,000/- and in default the appellant will have to suffer further rigorous imprisonment for three months. In this case also an autopsy/postmortem report of the deceased victim played a crucial role for punishing the accused or offender.

5. Data Analysis

Researcher's practical knowledge of Medicine, Law and Management Studies has helped a lot in this research as the research scholar is a post graduate in Medicine, Law and Management Studies. This is the only reason, this research topic has been selected by the researcher for doing research as he can give a justice to this research topic.

This is a qualitative research where the research scholar has studied about five case studies or case laws involving medicolegal autopsies related to the medicolegal cases in India.

All the secondary data and necessary information for the research is provided by indiankanoon.org. The judgments or orders given by different courts in different case laws or case studies have been analyzed keeping in the mind, the main objectives of the study.

Thus, this desk research is based on secondary data available till date from the various courts in India i.e. Session Courts, various High Courts and Supreme Court of India.

Data is analyzed by studying the various judgments given by the Hon'ble Judges of the different courts of law in five case laws/case studies related to autopsies/post mortem report of medico legal cases existing till date in India. For analyzing the case studies, the Research Scholar has used "Within Case Analysis and Between Case Analysis or Across Case Analysis."

Findings and Discussion

Research Scholar has viewed and studied in details, five case studies already decided by various courts of laws in India including session court, High courts and the Supreme Court of India on medico legal cases. It has been found that in all the cases that,

- i. Legal evidences collected by the prosecution should be proved in the court of law during the court trials.
- ii. Autopsy or Postmortem Report is considered to be the strong evidence before the court of law especially in the medicolegal cases of criminal nature.
- iii. Society believes on the judiciary to get the justice in the medicolegal cases of criminal nature.

Conclusion

Research Scholar has viewed studied and analyzed five case studies/case laws of medicolegal nature and arrived on the following conclusions:

In handling the medicolegal cases in our country, it is very important to collect all the evidences related to the medico legal case/s to be proved in court of law by doing the proper panchanama's with the appropriate witness/s by the prosecution. The Autopsy reports or Post mortem reports also plays a crucial role in death investigations of medicolegal cases. Even Injury certificates issued by a concerned medical officer or doctor plays vital role in the decision of medicolegal cases. All these evidences have to be placed before the court of law by the prosecution in order to convict the offender or accused person. Our Indian legal system is based on the Indian Evidence Act. You can not punish an offender without appropriate evidence/s against him.

The deceased person will not get his life back again but his soul may rest in peace once the accused person is punished or convicted by the court of law. Thus, a hypothesis "In death investigations of medicolegal cases need scientific autopsy findings to find out the exact cause of unnatural death." is thereby proved.

References

1. Parikh's Textbook of Medical Jurisprudence, Forensic Medicine and Toxicology, 6th Edition, CBS Publishers & Distributors Pvt. Ltd.
2. J.B. Mukherjee's Forensic Medicine and Toxicology, 4th Edition, Academic Publishers.
3. S.K. Singhal's Forensic Medicine & Jurisprudence (2014), 4th Edition, The National Book Depot.
4. Textbook on Medicolegal Issues Related to Various Issues by Satish Tiwari, Mahesh Baldwa & others, Jaypee Brothers Medical Publishers (P) Ltd.