

Medical Evidence for the Investigation of Unnatural Death: A REVIEW

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ABSTRACT

Medical evidence means and indicates the opinions of medical experts presented in court. A medical expert's testimony supported by scientific knowledge, ability, expertise, and personal experience is referred to as "medical evidence.

previously unsolvable cases are now solved easily with the development of the field of medical jurisprudence.

It covers in its ambit the provision of evidence for a wide range and scope of cases. Medical certificates are crucial pieces of documentary evidence but are treated as opinions by the court of laws.

The present study is aimed to discuss on the legal issues involved in medical certificates as genuine document and its long-term use by the court of law to reach conclusion of the critical cases.

an effort is also made to throw light on the legal pre requisites for issuing medical certificates, issued by national and state medical councils.

These legal guidelines are largely followed today, yet medical certificates continue to be treated as secondary pieces of evidence due to lack of a holistic statute on issuance.

Keywords:

Forensic science; Medical Jurisprudence; Medical Certificates; Documentary Evidence; Expert opinion;

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I. INTRODUCTION-

Forensic science means and indicates the knowledge of use of science in the service of the law. Sciences used in forensics include any discipline that can aid in the collection, preservation and analysis of evidence such as chemistry (for the identification of explosives), engineering (for examination of structural design) or biology (for DNA identification or matching).

A forensic scientist is expert in any technical field and can provide an analysis of the evidence, witness testimony on examination results, technical support and even training in his or her specialized area.

Analysis of forensic evidence is used in the investigation and prosecution of civil and criminal proceedings. Often, it can help to establish the guilt or innocence of possible suspects. Forensic evidence is also used to link crimes that are thought to be related to one another.

Medical jurisprudence and Forensic science go hand-in-hand. It is the application of medical science to legal problems. It is typically involved in cases concerning blood relationship, mental illness, injury, or death resulting from violence.

Autopsy is often used to determine the cause of death, particularly in cases where foul play is suspected. Medical records are medico-legal documents and a doctor can be cross-examined against the same.

However, it is strong evidence of administration of standard medical care provided documentation is complete.

A study on the medical evidences and summation of the findings is felt worth beneficial for the students and practitioners of the field of Forensic Medicine .

II. AIMS AND OBJECTIVES –

The present study is conducted with the aim to study detail about medical evidence and to summarize the different concepts for the benefit of the learners and practitioners of the Forensic Medicine field .

III. MATERIAL AND METHODS –

The study was conducted in the central library of Sri Sri College of Ayurvedic Science and Research Hospital , Sri Sri University , Cuttack , Odisha . The available books on Forensic Medicine and Medical Jurisprudence were studied , informations related to the topic aimed were collected , arranged accordingly in the form of a scientific writing .

OBSERVATION AND RESULT – The study revealed the following observations -

What is medical evidence- When the evidence refers to medical science, it is known as medical evidence.

It could be:

1. Oral statement on oath
2. Written/ document
3. Circumstantial

Oral Evidence- The evidence given orally (spoken words), under oath in the court. It is superior to written evidence.

Types:

Direct- statement given directly by the person who have direct knowledge of the fact stated.

he has himself seen or heard observed the events.

As per sec. 60 IEA, if possible oral evidence should be direct.

Indirect hearsay- person who have indirect knowledge of the fact stated. He has known the details from others. Mostly not permitted by the court. But if witness having direct Knowledge has died or untraceable then may be permitted. Usually, written documents are considered as evidence, only after testified in court or under oath however.....

- Following documents don't need cross examination.
- Dying declaration
- Opinion in standard text books
- Report of directors
- Medical officer's evidence recorded in lower court, though he can be called if required
- Any evidence of lower court public record. i.e. Birth registration...

Written documents

• It refers to the hospital records, lab. & radiological reports, medical certificate and medico legal reports, which can be used for administration of justice.

1. Medical certificate
2. Medico legal reports
3. Dying declaration
4. Dying deposition

Medical certificate

Simplest medical evidence

Issued by medical officer

- Sickness- exact nature of illness period of rest advised.
- Fitness- nature of illness from which the certificate holder was suffering, duration of suffering, and now fit to resume his duty.
- Vaccination- name of vaccine, date of vaccination, batch number of vaccines
- Compensation-nature of disability, cause of disability, %of disability, temporary/permanent
- Birth-name of mother, date and time, place
- Death- cause of death, date and time,
- Precautions:
- Should be issued by a Registered medical Practitioner with his name, sign., designation and registration number
- Patient's age, sex, address, identification mark should be mentioned.
- It should be based on observation not on history.
- Medical Practitioner should never sign blank prescription or certificate.
- The Duplicate copy of certificate issued should be retained by the issuer.

Death certificate

Certifying death of a person. Issued by Registered Medical Practitioner or if organ transplantation done should be prepared by 2 Medical officers who are not member of transplantation team.

Precaution

- Ensure that the patient was dead.
- Ensure that the death was natural
- It shouldn't be issued without examination of body, or on request of any relative
- Not required to be counter signed by surgeon or superintendent, if it is to be done only after personal examination.
- If death occurred after 24hrs of admission. And it's not related to operation then death certificate should be issued. Either it would be medico legal case.
- Content of death certificate
- Name, age, sex, address, identification marks
- Name of hospital and doctor, place, and time of death
- Exact cause of death.
- Importance of death certificate
- Registration of death
- Cremation of dead body
- Settlement of insurance claims
- Transfer to property to relatives
- Execution of the will of the dead

Medico legal reports

• Report prepared by Registered Medical Practitioner on request of the investigating officer or the court. After attaining of requisition by the Medical Officer only report can be considered as evidence -poisoning report, burn report, alcohol report etc.

- Precautions
- Based on observation only.
- Prepared during examination or immediately after examination with the name and sign of Medical Officer

• No objective specifying personal feeling like big injury, cold murder

• Report has three parts viz

• 1.preliminary data 2. Observation 3. Opinion

• Any item e.g. Weapon, cloths etc. Sent for examination, is to be described in report. And return to the Investigating Officer on appropriate receipt.

• Dying declaration

• It is defined as the written or verbal statement made by person likely to die because of some unnatural act done on his body.

- Precautions
- Ideally it should be recorded by executive magistrate .
- Doctor has to certify the patient to be "compos mentis" • no relatives and police officers allowed during recording.

• No oath administered.

• Leading questions are not permitted. Presence of disinterested witness in Q&A Form

• At the end, it is to be signed by magistrate, doctor, and witnesses present during the procedure of recording.

It should be recorded by magistrate. If it seems not possible and not enough time then it should be recorded by doctor only. If the patient is not in hospital, then any person who is near to the patient can record.

• Before recording, the patient is to be examined and certified by Medical Officer to be in compos mentis.

• The patient should be encouraged to give written statement. If it is not possible then only the statement should be recorded .

• No oath, no leading question

• Should not record in Question Answer form in presence of two witnesses. After recording the mental state of the patient should again be examined .

• Confirm that content of declaration read over to the patient and he agrees.

• Date time place noted

• Signed by doctor, and two witnesses

• Special circumstances

o Not able to write e.g. Burn cases. Oral statement should be recorded. If communication gape observed can take help of 3rd person.

o In the person not able to speak or write signs and gestures made by should be recorded.

o If the patient dies during recording then half recording is to be signed.

- Importance
- According to IEA (Indian Evidence Act)32&157, every person speaks truth during last stage of life.
- If person not died after recording then it shouldn't be considered as a dying declaration.
- If the patient survives for a few days after recording, it retains its full value

Dying deposition (not followed in India)

- Defined as the deposition made by a person likely to die because of some unnatural causes
- Precautions and procedure
 - It has to be recorded by magistrate in presence of accused and lawyers of both parties.
 - Doctor has to remain present during procedure and certify the patient to be at a state of *Compos mentis* till end.
 - Oath administration
 - Cross examination includes leading questions
 - No witness required. It is superior than declaration. Recorded by magistrate. Presence of accused. Presence of lawyer of both parties. Recorded after cross examination. retains its full value, even if the patient doesn't die ,because cross examination has already been done.

Circumstantial evidence - It is collected from the surrounding of a case.

examples:

- Sign of struggle
- Finger print, foot print, lighter, cigarette butt, mobile, purse, hair etc.
- Blood found on/from cloths
- Suicide notes.
- Weapon/ poison
- Identification from blood group
- Identification from finger prints
- Unnecessary eagerness on part of relatives to dispose of the dead body.

IV. DISCUSSION

The results of the study are seemed to be self explanatory with regards to their utility and applicability . In all the concerned points it is stressed that ,

(1)Medical evidences are the documents having legal importance in the court to take decision and to give justification on the cases under trial

(2)In most of the times the registered medical practitioners are the authority for authentication of the conditions

(3)Utmost caution and sincerity of the registered medical practitioner is the key of saving him from problem in facing the examination in the court and also to maintain the trust of the judiciary on the class “ registered medical practitioner”

(4)Slight negligence of the registered medical practitioner in issuing certificates etc. may lead to criticism and even conviction .

All related rules in relation to the medical evidence are practical with important practical value which needs no further explanation / discussion .

SUMMARY - As the summary of the study it can be said that Medical evidences are the documents well accepted by the judiciary to prove or disprove the allegations against an accused in the cases under trial . The authority to issue such documents is the Registered Medical Officer who is liable to face examination in the court to establish the authenticity of his /her statement . Hence utmost caution and honesty should be there with the Medical Practitioner concern in issuing such documents .

V. CONCLUSION

The investigation of unnatural deaths relies heavily on the meticulous collection and analysis of medical evidence. Autopsy findings, toxicological analysis, histopathology, radiology, and DNA analysis are essential components that, when properly collected and preserved, provide critical insights into the cause and manner of death. Forensic pathology bridges the gap between medical evidence and legal outcomes, ensuring thorough and accurate investigations that uphold justice.

Conflict of interest- There is no conflict of interest among the authors

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