



MODERN FORENSIC SCIENCE AND MEDICO-LEGAL ISSUES

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ABSTRACT

Forensic Science is a historical science that solves crimes by reconstructing them with the help of physical evidence. As time passes, the rate of crime and the modus operandi gets upgraded. Hence, the investigation needs to get an update to resolves modern crimes. Modern forensic science involves the application of various scientific principles and techniques such as Medicine, chemical, applied sciences and computers knowledge, etc, to solve modern crimes. We can say that "The investigation without proper examination is blind leading the mad" and to provide the case with a proper base, Medico-legal aspects of the investigation needs to be done and it sheds a light to initiate the legal proceedings as earlier as possible. The present review shows some common circumstances that need the medico-legal examination for the investigations. It also discusses the procedure for the medico-legal examination in India and the duties of the medical examiner during Postmortem.

KEYWORDS : Forensic Science, Identification, Medico-Legal Aspects, Post mortem

INTRODUCTION

The work of a Forensic Scientist is to aid law enforcement to maintain the criminal justice system in society and their roleplay is wide in medico-legal cases due to the virtue of their role. Case of injuries and the causes of sudden deaths can be classified as medico-legal where the investigation is essential to know the cause and manner of the death. Murderers cannot leave any address card at the crime scene. It's a challenging task for the forensic expert to know the address of the culprit. The main aid of the medico-legal examination is to know the modus operandi and to identify the victims and perpetrators involved in the crime scene by post-mortem examination.

The medico-legal case is an integral part of the medical practice. Medical Council of India was established in the year 1933 by Indian Legislative Assembly. Later, this Act is replaced by the 'Indian Medical Council Act 1956'(1,2). The Act gave a set of disciplinary guidelines for the medical practitioners to underwent the Medico-legal Cases. RMO/Casualty medical officer/Medical officer Incharge/Duty Medical Officer has the authority to label a case as a medico-legal by proper professional judgment and thorough clinical examination(3).

The first and foremost principle in forensic science is to aid the victim/suspect with medical emergencies. Therefore, the primary duty of the medical practitioner is to stabilize the patient with medical assistance and medico-legal formalities can be conducted subsequently. Medico-Legal Autopsy needs to be done with a registered medical practitioner with a rank not less than MBBS by the orders of legal authorities not below the rank of sub-inspector sometimes magistrate to know the cause, manner, and time since death, to collect the evidence, and to document injuries.

Common circumstances that need Medico-legal examination:

- Cases of injuries and burns – Seen in suicidal or homicidal circumstances.
- Unnatural accident cases especially when the patient's death or grievous hurt has happened
- Cases of suspected or evident sexual assault
- Cases of suspected or evident criminal abortion
- Cases of unconsciousness where its cause is not natural or not clear
- All cases of poisoning or intoxication
- Cases that are referred from the court or otherwise for age estimation
- Cases brought dead with an improper case history that creates suspicion of an offense
- Cases of self-infliction of injuries or attempt to suicide.
- Cases of Exhumation.

The cases of injuries, burns, unnatural accidents and traumas are seeming to be very common but when coming to the forensic perspective, the medico-legal examination provides major support and acts as a backbone for the investigation(4,5). Exhumation is nothing but the digging of the corpus from the burial for the Post mortem (PM) examination. There is no time limit in India for the examination of the decomposed body. The investigators can dig the body from the ground upon the magistrate's permission. Whereas in France the time limit is 10 years and in Germany, it stands for 30 years(1).

Precautions to be taken:

- Consent should be taken
- Shouldn't issue the death certificate in deaths under suspicious circumstances.
- Documentation of the details regarding the diseased and the places all should be filed carefully.
- Inform the polices regarding the entry of the MLC
- The records are to be confidential and preserved under the safe custody

The medico-legal examiner should keep in mind that He/She is the only one responsible for the entire Autopsy and if necessary, He/She needs to be witnessed in the court of the lord, under section 45 IEA as an Expert testimony. Any failure to report the occurrence of MLC may invite prosecution under Sections 176 and/or 202 of I.P.C(6).

CONCLUSION:

Everything in the universe irrespective of living or non-living is sound but the way of expression differs. Autopsy reveals not only the nature and cause of the injury and ailments but also leads the investigation further by providing the minute details of the event. Therefore, proper examination and documentation lead the case towards success. As Medico-legal cases are most sensitive and valuable, it needs to be done with proper care with a set of rules and guidelines.

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