

Importance of Autopsy Report and Evidence Preservation in Judicial Conviction: An Illustration in a Rape and Murder Case

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Abstract

Autopsy examination includes external examination of body including injury description, internal examination, formulating opinion regarding cause of death and time since death. This is associated with evidence preservation, sealing and handing over to investigating officer for further analysis. Though this protocol of autopsy examination is well known to Autopsy surgeons, but they do not realize its importance during Judicial Proceedings. The authors report a case where careful evidence preservation during autopsy acted as a major ground in the conviction of accused and description of injuries aided in the decision of the quantum of Punishment. This case highlights the importance of even minor findings of the Autopsy report and their interpretation and correlation with the circumstances later on during the course of trial. The autopsy report can play a pivotal role in deciding the guilt of the accused and quantum of the Judgment, so they should be written with utmost precaution while maintaining highest unbiased scientific standards.

Keywords: Autopsy; Postmortem Examination; Evidence Preservation; DNA Profiling.

Introduction

Forensic Medicine particularly Autopsy examination has played a pivotal role in justice delivery. Many of the convictions have happened because of meticulous autopsy examination. Conventionally, autopsy examination includes external examination of body including injury description, internal examination, formulating opinion regarding cause of death and time since death [1,2,3]. This is associated with evidence preservation, sealing and handing over to investigating officer for further analysis. Though this protocol of autopsy examination is well known to Autopsy surgeons, but they do not realize its importance during Judicial Proceedings. There have been instances of inadvertent or careless mistakes like improper recording of autopsy findings and preservation of evidences recovered from body, which have resulted in creating confusion both in

the minds of Judiciary and ultimately prevented the cases to reach to a logical conclusion [4,5]. Such instances also bring mistrust and lack of confidence over Autopsy procedures and Autopsy Surgeons. The authors report a case where careful evidence preservation during autopsy acted as a major ground in the conviction of accused and description of injuries aided in the decision of the quantum of punishment.

Case History

The semi clothed body of deceased was found at a desolate space in a nursery. She had been reported missing since previous evening after she left her workplace. The postmortem was conducted in Department of Forensic Medicine, All India Institute of Medical Sciences, New Delhi.

Autopsy Findings

The deceased was an average built female. Clothes on the upper part of body of deceased were folded upto the level of upper chest exposing upper half of right breast. The lower half of body was naked with wooden sticks found inserted into vaginal and anal canals. Both knees were drawn towards abdomen with flexion at hip and knee and tied passing around the back of neck with help of light bluish grey legging/pyjama. The loop encircling the neck was having two fixed knots and loop encircling the lower part of thigh had a single fixed knot. A reddish colored ligature material, legging/pyjama was found encircling neck in two loops having a single fixed knot on the right side of neck. Nail scrapings and nail clippings were preserved. Dried blood stains were present over the vulval and anal region. Conjunctival hemorrhage was present in both eyes. The following major external injuries were present on the body:

Ligature Mark

A reddish ligature mark of width varying from 2-2.5 cm was present at the middle 1/3rd of neck over the thyroid cartilage. The ligature mark was completely encircling the neck and placed horizontally (Image 1). Two hematomas of sizes 4 x 2 cm and 2 x 1 cm were present in neck muscles (Image 2). A hematoma of size 3 x 2 cm was present at the base of tongue (Image 3). Congestion was present in the pharyngeal region just above the level of the ligature mark externally. Petechiae were present on the laryngeal surface of the epiglottis. Thyrohyoid complex was intact. Laryngeal mucosa was congested.

The wooden stick present in the vaginal canal was extending from the vulva to the left kidney. It has entered the vaginal cavity causing contusion and multiple lacerations. It further perforated the anterior vaginal wall, peritoneal surface of urinary bladder, mesentery of small intestine in abdomen, posterior peritoneal wall on left side and finally lodged in the hilar region of the left kidney displacing the kidney upward and lacerating the hilar region (Image 4). The track of this wound was 34 cm long. Whole length of stick was 41 cm and the circumference of stick was 6.5 cm. A red colored underwear was recovered in the vaginal canal and has been sealed, signed and handed over to the police.

The wooden stick present in the anal canal was extending from the anus to the left kidney. It

entered the anal cavity causing contusion, perforated the recto-sigmoid junction, mesentery of the small intestine in the abdomen, posterior abdominal wall on the left side and then was lodged in the hilar region of the left kidney displacing the kidney upward and lacerating the



Image 1: Ligature mark completely encircling the neck and placed horizontally



Image 2: Hematomas present in neck muscles



Image 3: Hematoma present at the base of tongue

hilar region (Image 4). The track of this wound was 32cm long. Whole length of stick was 43 cm and the circumference of stick was 6.5 cm.

Tracks of both the sticks in injury no. 9 and 10 were directed upward, backward and to the left and are associated with 1000 ml of fluid and clotted blood in the peritoneal cavity.

4. A laceration of size 1.5 x 0.8 cm was present over the mons pubis. Two lacerations of size 2 x 2 cm and 2 x 1.5 cm were present over the left and right side of upper part of the vaginal vestibule.
5. Multiple small lacerations of size varying from 0.5-1 cm were present circumferentially around the anal region at the level of sphincters.
6. A bluish contusion of size 1 x 1 cm was present over the left side of lower lip at the lower aspect (Image 5).



Image 4: Wooden sticks extending from the vulva to the left kidney



Image 5: Bluish contusion present over left side of lower lip

7. A reddish blue contusion of size 4 x 2 cm was present over the left ramus of the mandible near the midline along with another reddish blue contusion of size 2 x 1 cm along the lower border of left ramus of mandible.
8. A circular pressure contusion was present over the right ear lobule.
9. A linear laceration of size 1 cm was present over the lobule of the left ear.
10. A reddish crescentric abrasion (nail mark) of size 0.8 cm with concavity upwards was present 3 cm below the left ear.
11. A reddish grazed abrasion of size 6 x 6 cm was present over the interscapular region of the back in the midline.
12. A reddish curvilinear abrasion of size 15 x 0.2 cm was present over the outer aspect of right hip running downward and inward.
13. A reddish curvilinear abrasion of size 6 x 0.2 cm was present parallel and 1.5 cm medially along the lower half of above abrasion.

Diffuse petechiae were present below scalp over frontal and occipital region. Internal organs were pale. The cause of death was opined as the combined effect of ligature strangulation and shock due to visceral injuries and blood loss. The injuries no. 1, 2 and 3 individually and collectively were sufficient to cause death in the ordinary course of nature. The following items were preserved for trace evidence analysis:

1. Nail scrapings of both the hands
2. Clothing.
3. Swabs (Oral, Pharyngeal, vaginal, vulval, anal, inner thigh and control)
4. Blood on gauge.
5. Ligature material.
6. Cloth piece used to tie the legs.
7. Red underwear inserted into the Vaginal Cavity.
8. Wooden Stick inserted into the anus.
9. Wooden stick inserted into Vagina.
10. Vegetative material recovered from the clothes, vulval region and left hip region.

Discussion

After the postmortem examination, during the course of investigation a friend of the deceased was apprehended and charged for rape and murder. The examination of the accused was also conducted

in the Department of Forensic Medicine, AIIMS, New Delhi and his blood for DNA sample was preserved. The police alleged that he committed the crime as a result of jealousy as he was having an affair with the deceased but she had lately started avoiding him and wanted to discontinue their relationship. It was alleged by the prosecution that he forcibly committed rape upon her and throttled her neck with the red pyjama, which was also recovered from the neck region during autopsy. He deliberately inserted the wooden sticks in her private parts for the destruction of evidence. He took away her jewellery and other valuables to mislead the investigation. The DNA of the accused was detected from the seminal stain present on the shawl of the deceased recovered near the body from the crime scene and from red panty recovered from the vaginal canal during Postmortem examination [6].

The defense counsel for the accused disputed the DNA report countering that the police had tampered with evidence and put the semen sample of the accused on the articles while he was in their custody. Honorable court rejected their contention and observed that the article was preserved during the postmortem, sealed, handed over to IO in a sealed condition and was received in Central Forensic Science Laboratory (CFSL) in a properly sealed condition. Honorable court also observed that the blood sample, from which the DNA profile of the accused was generated, was taken and sealed during Medical examination of the accused in the Department on a separate date and time. The sealing and chain of custody was properly done from the Department till the submission in CFSL [6].

Honorable court while deciding regarding the guilt of accused made the following observation [6]:

1. The circumstances that the DNA profile of the accused was generated found on the underwear of the recovered from the vaginal cavity and on her shawl and the fact that the articles which the deceased was possessing on her person on the night of her death were recovered from the room of the accused establishes the guilt of the accused beyond all reasonable doubt and even if the prosecution has failed to prove that eye witness had witnessed the two of them together is not fatal to its case.
2. The fact that the accused had sexual intercourse with the deceased just before her death itself shows that she was last alive with him only.

3. The injuries present on the lips, mandible, ears, on the back in the midline, on the hip of the deceased indicate that all these injuries would have been caused to her while the accused was forcibly raping her.
4. The accused had abrasions, scratches and bite marks on his back, which does lead to an inference that the sexual intercourse that he had with the deceased on the night of was not consensual.
5. It is not only the penetration of penis into the vagina of a woman which constitutes rape but the insertion to any extent of any object into the vagina, urethra and anus of a woman also constitutes rape, thus the intentional act of the accused inserting wooden sticks into the vagina and anus of the deceased also constitutes rape.
6. The postmortem report of the deceased clearly reveals that injuries to her vagina and anus were antemortem in nature and clearly therefore the deceased was alive when the accused committed these ghastly acts upon her. It, therefore, cannot at all be accepted that the accused inserted wooden sticks into the vagina and anus of the deceased with a view to destroy evidence after she had died due to strangulation.
7. The postmortem report makes it clear that the strangulation of the deceased and the insertion of wooden sticks in her vagina and in her anus were both individually and collectively sufficient in the ordinary course to have caused her death. The said opinion of the doctors who conducted her postmortem and the provisions of section 376A IPC, make it thus clear that the injuries caused during the course of insertion of sticks into her vagina and anus also led to her death and therefore, the accused is liable to be convicted for the offence punishable under section 376A IPC.

The accused was convicted of the offences punishable under section 302, 376A, and 404 IPC and while deciding the punishment of the deceased, Honorable court made further observation [7]:

1. This court cannot overlook the fact that in the present case, the convict had inserted wooden sticks into the vagina and into the anus of the deceased prosecutrix which had led to excessive bleeding and the death of the prosecutrix and he had thereafter also strangled her.

2. Such a diabolical act on the part of the convict does not deserve any leniency and has to be dealt with an iron hand.
3. Keeping in view the medical evidence and the state in which the body of the deceased was found, it is obvious that the convict in the present case committed a heinous type of rape and murder of a woman.

The accused was finally Imprisonment for life, for the offence punishable under section 302 IPC, and 376A IPC.

Conclusion

The present case report clearly indicates the importance of even minor findings of the Autopsy report and their interpretation and correlation with the circumstances later on during the course of trial. The Autopsy surgeons should be vigilant in the evidence preservation and sealing so as to maintain a proper chain of custody, else the analysis of the same can be disputed by the defense of the accused. The autopsy report can play a pivotal role in deciding the guilt of the accused and quantum of the Judgment, so they should be written with utmost precaution while maintaining highest unbiased scientific standards.

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