



Case Study

Reliability between medical board and ballistics expert: a case history

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Abstract

The present study is based on the basis of a particular case examined by the author himself. Further the author has felt on the basis of the media reports from time to time where it has been presented by the media that the medical officers are repeating negligence again and again which becomes the major role in losing the lives of the patient. It is the bitter truth of this country that it has been observed that medical officers remain very busy due to the heavy work load assigned to them. There may be many reasons behind this like acute shortage of staff, over burdened work load, lack of interest on the station posted, atmospheric conditions or some other reasons may also be there. It has also been observed that sometimes during the medical examination/ postmortem the medical officers depute some other persons for the sealing of the exhibits for the forensic examination. It has also been observed that rather to seal the parcels himself the doctors depute the servants, nurses or even sometime they depute class IV employees for this purpose. Also it has been come into the notice that the foreign body recovered from the dead body during the post mortem is sealed by the class IV employees which may further lead to a misleading forensic results. During the examination of firearm projectile it has been observed sometimes that the firearm projectile is having some extra marks which have not been occurred by the firearm but they had been appeared by some other metallic objects which may cause divert the attention of the forensic expert during the examination of firearm and tool marks examination. And it was felt that perhaps such marks have been occurred by some metallic object which might have been used during the sealing of the exhibits. It has also been observed that sometimes the exhibits found sealed inside the parcel does not relate with the particular case. Then on perusal of the record it was felt that the actual exhibit was sealed in another case. Such mistakes create legal problems as well as the misleading results also which may affect the forensic analysis and it becomes the reason of arising questions on the credibility of such a medical examination.

Keywords: Ballistics expert, medical board and misleading results.

Introduction

The purpose of this paper is to bring the things into the notice of the researchers that the medical reports prepared by the medical officers/medical board are always not reliable and one must not ignore the forensic expert report. Sometimes it has also been observed that the doctors do not take the medical examination seriously which may mislead the results in courts of law. Here in this paper we have examined a case where there was a contradiction between the medical board report and the actual facts of the case. The forensic ballistics expert had opined in opposite direction than the medical board. The Hon'ble court has accepted the forensic ballistics expert report and the report so prepared by the medical board was set aside.

It is also pertinent to mention here that some researchers like Armour A.¹ have studied the cases of gunshot suicides, Amiri A. et al² have studied the cases of firearm fatalities and many more researchers like Biasotti A. and Murdock J.³⁻⁸ have studied how to make the judgment regarding the linkage of the crime cartridge cases with the firearm on the basis of available tool marks and their identification. Here in this paper we have

studied the theory adopted by these authors along with the theories adopted by many other authors like A.S. Grewal et. al.⁹⁻¹⁹, were also studied in detail. The sites of suicidal studied by Eisele JW, Reay DT, Cook A.²⁰ were also studied in detail. Further the various theories by various authors²¹⁻⁴⁵ were also studied in detail.

This paper has been prepared by the author on the basis of the reconstruction of scene of crime, examination of post mortem report, examination of various exhibits in the forensic science laboratory and the questionnaire supplied by the investigating officer, discussions of the author with the group of forensic experts etc.

The brief facts of the case are that the investigating officer of the case has narrated before the author that the deceased person Mr. 'X' and a lady named 'Y' were neighbors and were residing in front of each other. They both fall in love and they married with each other. After marriage they both went to other city for honeymoon and returned after one year. Thereafter they started quarrelling with each other and finally they filed a case of divorce. The court accepted their divorce. But after some time

Mr. 'X' decided that he will make agree his ex-wife and they will start their life once again. So he went to the house of his ex-wife which was in-front of his own house. He urged his in-laws family that he wants to meet with his ex-wife. They offered him a seat but refused him for meeting with her. On his litany requests his in-laws agreed for the meeting but his ex-wife refused for the meeting. He could not tolerate her reply and retaliating this he committed suicide, and the same was told by the in-laws of the deceased person to the investigating officer,

the investigating officer further added. Therefore keeping in view the above facts and positions the investigating officer wanted to ascertain whether it was a case of suicide, homicide or otherwise. It is also pertinent to mention here that the actual Scene of Crime was not visited by the author. The corpse was also not examined by him. This case is based on the basis of reconstruction of Scene of Crime, photographs of scene of crime provided by the investigating officer and examination of the exhibits examined in the Forensic Science Laboratory.



Figure-1: Showing that the nails, thumb and palm are having slight blackening.



Figure-2: Showing that the blood is oozing out from the firearm projectile hole which was mentioned as bullet entry hole by the medical officers in the post mortem report. Gunshot residue were not detected on the left side shoulder of the shirt so the author did not accept it as the bullet entry hole and he assumed it as bullet exit hole.



Figure-3: The medical officers have described this bullet hole as the exit hole in the post mortem report. Gunshot residue were detected from the right side shoulder region of the shirt so the author assumed it as bullet entry hole.



Figure-4: The margins were appearing to be singed which make more sure that this is the bullet entry hole.



Figure-5: Showing that there was a little barrel impression was also found present on and around the margins of the bullet hole.

Reconstruction and Examination of the spot: The alleged spot (as described by the investigating officer of the case and the occupants present on the spot at the time of the incident) was reconstructed by the author. A person of height about six feet was asked to lay down at the spot adjacent to the bed at the suggested location by the Mobile Forensic expert and investigating officer and other occupants of the case. The location of the fired cartridge case, bullet and misfired cartridge were narrated by the occupants and the same were also noted.

The alleged room was minutely examined by the author with his team members. The alleged bed was examined for the presence of blood splashes. Some blood splashes were found scattered on the fence of the bed. No bullet/pellet hit mark could be observed on the walls etc.

Laboratory Examination: Various chemical tests were performed on the Country made pistol when it was proved that the Country made pistol had been fired through, test firings were also done from the Country made pistol. After this test fired cartridge cases & test fired bullets fired from the Country made pistol were examined and compared with the fired cartridge case and fired bullet recovered from the spot and on examination it was concluded that the fired cartridge case and fired bullet recovered from the spot have been fired only from the said Country made pistol which was recovered from the spot and not from any other firearm even of the same and bore/caliber.

Thereafter the clothes contained in a sealed parcel were examined for the detection of gunshot residue. Nitrite was

detected from the right side shoulder portion of the shirt of the deceased person. Nitrite was also detected on the hand swabs of the deceased person which were taken by the police at the time of taking him at the hospital from the spot. It was also observed that the blood was found scattered on the left side of the shirt of the deceased person.

Perusal of the PMR report: The post mortem report was prepared by the board of medical experts. It was found that the medical board has mentioned that the track of the fired bullet is from left to right while the author was of the opinion that the bullet had travelled from right to left. Further the medical board had mentioned that the bullet hole present on the left side is bigger than the right side. Therefore the PMR report had confused the whole theory and which had forced to change our theory but when the author changed his theory and followed the theory of the PMR report then it does not match with the facts/evidences available therefore the matter was discussed in a group of forensic ballistics experts. The investigating officer of the case has arose the following questions and the reply was prepared by the group of experts which is as follows.

Discussions on the Questionnaire

The following questions were raised by the investigating officer and the point-wise opinions/reply is being provided after the consensus of the board/group of ballistics expert members prepared on the basis of reconstruction of the scene of crime, photographs produced by the investigating officer, examination of the firearm and other exhibits examined in Forensic Science Laboratory Haryana Madhuban are being supplied as follows:

Opinion on various points is as follows:

Que-1: Is it possible that a lefty person can fire on the right side of his temporal region by using his left hand for committing suicide.

Ans: The person who usually do his regular/routine work from his right hand will prefer to use only the right hand for firing at the temporal region. However, the right handed person can fire from the left side but the angle will be different in such situation.

Que-2: You had visited the scene of crime, on this basis please tell that whether on this particular place if the bullet is fired from the left side from a country made firearm, it exits on the right side after crossing through and through the skull of a person, then can it come back into left direction?.

Ans: If the bullet enters from left side, exits towards right side then bullet will fall on the right side with respect to the target. Further the bullet, after crossing the skull loses most of its velocity and it cannot travel upto a long distance. The bullet cannot come back towards the entry side on the floor after passing through the skull unless it finds any hurdle in its path. In this case there were very less chances of such type of happening as there is a lot of gap between the bullet and any hurdle.

Que-3: You had visited the scene of crime, on this basis please tell that whether on this particular place if the bullet is fired from the right side from a country made firearm, it exits on the left side after crossing through and through the skull of a person, then can it come back into right direction?

Ans.: If the bullet enters from right side, exits towards left side then bullet will fall on the left side with respect to the target. Further the bullet, after crossing the skull loses most of its velocity and it cannot travel upto a long distance. The bullet cannot come back towards the entry side on the floor after passing through the skull unless it finds any hurdle in its path. In this case there were very less chances of such type of happening as there is a lot of gap between the bullet and any hurdle.

Que.-4: If a bullet is fired from a Country made firearm, whether it can cross a human skull?

Ans.: It may got through and through or may not.

Que.-5: If firing is done from a Country made firearm then whether the fired cartridge case will remain in the chamber of the pistol or it will be ejected, if ejected in which direction the fired cartridge case will be dropped.

Ans.: Test firings were done in the Laboratory from the Country made pistol recovered in this case and it was found that the pistol ejects and throws the fired cartridge case to right direction. As per posture described in the questionnaire and

investigating officer of the case the fired cartridge case will be ejected in right side and will fall in the right direction towards the pillow.

Que.-6: If firing is done from the right side of the temporal region then in which direction the fired bullet will travel.

Ans.: Left side.

Que.-7: After having a bullet injury through and through blood will exit from the entry wound or from the exit wound.

Ans.: It depends on the posture of the injured person. However, the possibility of oozing the blood is more from the exit wound.

Que.-8: After having a bullet injury through and through please tell which hole will be larger in entry and exit.

Ans.: It depends on the firearm, quality of the ammunition, distance and angle of firing. However, the entry or exit wound size may be near the size of the projectile or greater than the size of the projectile.

Que.-9: Whether gunshot residue will be available on the entry wound. Whether it occur in all cases of firing?

Ans.: The presence of gun powder may or may not be present on the entry wound as it depends on the distance of firing.

Que.-10: Is it possible that all kinds of firearm will leave gunshot residue at the time of firing.

Ans.: May or may not be as it depends on the type of the firearm.

Que.-11: How much time will be taken in chambering the second shot / cartridge if the first got missed fire. Is it possible that a person may fire the second shot within a fraction of time.

Ans.: It depends on the person that how speedy he is cocking the pistol. If it is cocked speedy then within a few seconds the next cartridge can be chambered in the pistol.

Que.-12: Where the cartridge will fall if it got missed?

Ans.: It depends on the situation that in which direction the person is handling the firearm but near the person who is holding the firearm.

Que.-13: How much time will be taken in loading next cartridge in the chamber of a Country made pistol after getting fired first.

Ans.: It depends on the type of the firearm. If the firearm is having a magazine then mostly the next cartridge is loaded automatically in the chamber from the magazine after firing the first and there is no need to cock the barrel of the pistol again.

The next cartridge can be fired within a fraction of seconds.

Que.-14: On the basis of your experience please tell which part of the body people opt generally for committing suicide.

Ans.: Usually on the right temporal region is opted by all such person who do their routine work with their right hand while left temporal region is opted by lefty persons.

Que.-15: It is assumed that when two persons scuffle with each other then there will be struggle marks on clothes of the person. Here in this case you have examined the clothes of the deceased person, have you observed any such type of struggle marks.

Ans.: No struggle marks could be observed on the clothes during the examination of clothes in the laboratory.

Que.-16: On the basis of your knowledge and examination of this case please tell whether it is a case of suicide or homicide.

Ans.: The detection of nitrite on the hand swabs, availability of bullet in the left side with respect to the deceased person, presence of fired cartridge case on the right side with respect to the deceased person indicates that the bullet had travelled from right to left direction in this case. Therefore the possibility of suicide could not be ruled out.

Conclusion

On the basis of the reconstruction of scene of crime, examination of available photographs of the actual scene of crime, examination of various exhibits in the forensic science laboratory, presence of nitrite on the right shoulder of the shirt, presence of the gunshot residue on the hand swabs of the deceased, discussions held among the author with the group of ballistics experts and discussions held among them on the questionnaire supplied by the investigating officer it was concluded that the author could not rule out the possibility of suicide.

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