

HANDWRITTEN NOTES

DAMS
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**FORENSIC MEDICINE
& TOXICOLOGY**

CRISP, CONCISE, CONCEPTUAL

Integrated Edition

Student first 
@DAMS



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HOW TO MAKE BEST USE OF NOTES?

A Message by Mentor Duo Specially for you,



- Read the notes thoroughly, they are absolutely **concise, crisp & conceptual** and hence it is best advised not to add a lot of extra information to them as that will dilute the quality.
- Images have been provided alongside to aid in better understanding and also help you solve image-based questions, these images have been specially picked by the faculty so have a high probability of being asked in exams.
- Notes are handwritten in a way to help make them easier to retain, a lot of tables, graphs and algorithms have been used to simplify the learning.
- While reading notes try and use the **CFAQ technique** —
 - A. Use the C to denote concept part in the notes and ensure you are clear with this part in the first go if not then it's advisable to listen to this part of the video from your course.
 - B. Use the F To denotes facts in your notes, it is okay if you can't remember them in first go but will need repeat reading. But these facts are important for exams as they could be integrated to clinical questions.
 - C. Use A to denote applied parts, this is how concepts and facts are asked indirectly in exams. This will also help you develop MCQ solving skill.
 - D. Use Q to denote areas where faculty has said it's a direct question or a PYQ or a potential question.
- This technique will help you summarize your notes In way that your second reading will become easy and faster.
- Active space has been provided with these notes to make your own annotations alongside and this will help you maintain one single notebook for one subject.
- Try and solve MCQs with every topic from DQB. Your goal should be to start with at least 30 MCQs every day and then increase to at least 50 MCQs every day. Also, when you do a topic wrong write it alongside the notes that this topic needs to be read again but mark only the specific area that you have done wrong not the whole topic.
- After the topic is covered then in the active space try and summarize the topic in the form of mind map. This will help in active recall and make your revision easier.

Best Wishes & Happy Learning!!!!





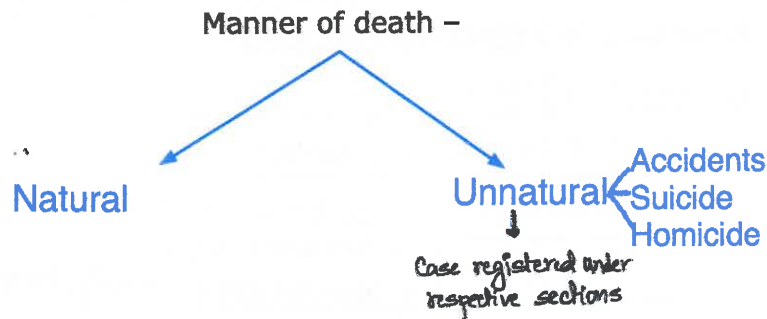
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FORENSIC MEDICINE & TOXICOLOGY

Forensic medicine ^(Medicine in Law) - Application of medical knowledge in law enforcement. (Cause, time, place, weapon, manner, etc. of death)



Medical **Medical Jurisprudence** - role of law in medicine eg:- MTP Act

Medical **Etiquettes** - conventional laws of courtesy. Breach - **Not** punishable. Applicable for dealing with **Doctors**

Medical **Ethics** - Moral Principles / Self-imposed code of conduct. Applicable for dealing with **Doctor/ Patient/ state govt.**

State Medical Council/ National Medical commission - publish Code of Medical Ethics → Warning Notices

Warning Notices

6A's

1. A **- Adultery** ← Irrespective of marital status of doctor & patient - infidelity
2. Association/ **Covering** - with unqualified individuals
3. A **- Advertisement** - Repeated → X
4. A **- Alcohol** } doctor under influence cannot examine or give treatment to patient
5. A **- Addiction** }

6. A -Abortion (unlawful) → outside MTP Act
7. Dichotomy - FEE Splitting
8. Issuing false certificate
9. Maintaining professional secrecy - Patient confidentiality
 - Exception → Privileged Communication
 - Made only to a concerned authority
 - Crime → Police
 - STD/ AIDS → Sexual partner
 - Self Interest → Negligence → Court
Case filed against doctor
 - Patient Interest → eg: Colour blind patient → Family, Transport Authority

Violation of Medical Ethics - i/k/a Serious Professional Misconduct / Infamous Conduct / Ethical Negligence.

Punishment - Warning / Fine / Penal erasure (Professional Death sentence).

Can the medical council imprison a doctor - Yes / No only courts can do it.

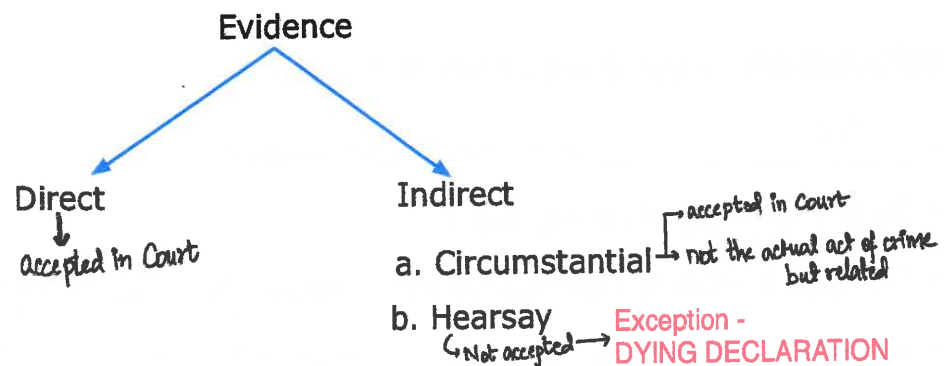
In case of ethical negligence, punishment is first given by State Medical Council (decided by a board of doctors) and appeal is filed with NMC

Legal Procedures

1. Bharatiya Nyaya Sanhita (BNS) (Previously **Indian Penal Code (IPC) 1860**) - Definition and Punishment of Crime
2. Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) (Previously **Criminal Procedure Code (CrPC) 1973**) - Procedure followed after crime
3. Bharatiya Sakshya Adhiniyam, 2023 (BSA) (Previously - **Indian Evidence Act (IEA) 1872**) - Definition, Relevancy, Recording and Weightage of evidence

Oral evidence is more important than documentary evidence.

∴ Allows cross-examination.



Inquest - Inquiry in a Suspicious / Unnatural cause of Death.

Police inquest	Magistrate inquest	Coroners inquest	Medical Examiners inquest
194 BNS BNSS (174 CrPC)	196 BNSS (176 CrPC)	Last done in 1999, Mumbai	BEST
Commonest			⊗ India
Lowest ranking person is <u>Head Constable</u>			

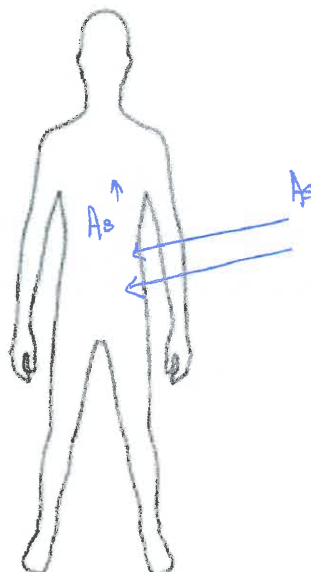
- Prison - punishment for crime
- Custody - Under protection of Law
Loc. - Juvenile Home

Magistrate Inquest

	Death in custody / prison	Rape in custody	Dowry death	Exhumation
Enquiry by	JUDICIAL MAGISTRATE		EXECUTIVE MAGISTRATE	

Exhumation - digging out a body from grave.

- No time limit for exhumation in India.
- Done in Morning / evening / Night
- Chemical should be used during exhumation - Yes / No ← interferes in determination of cause of death.
- While exhuming a body from grave preserve 500 gm of soil in contact with body from 6 different sites, to detect poisons like Arsenic — MC
- Post mortem Imbibition



Powers of Court

Court	Fine	Imprisonment
Magistrate		
(a) 2 nd class judicial magistrate	Upto 10000/- (CrPC 5000/-)	1 year
(b) 1 st class judicial magistrate	Upto 50000/- (CrPC 10000/-)	3 years
(c) Chief judicial magistrate	Unlimited	7 years
Sessions Court (District)		
(a) Assistant Sessions court	Unlimited	10 years
(b) Additional Sessions court / Sessions court	Unlimited	Life Imprisonment / Death
High court (State) Total number <u>25</u>	Any sentence	<i>Death sentence passed by sessions court has to be <u>confirmed by high court</u></i>
Supreme Court (Nation) 1	Any sentence	

Lowest court that can ^(Reduce) commute a death sentence - High court
 ↳ PASS " " " - Sessions Court

Amnesty (Pardon) - granted by President of India

- Judgements given by High Court — become law for the state
- Judgements given by Supreme Court — become law for the Nation

Euthanasia (Mercy killing)

Active

m/c Barbiturates

Yes/~~No~~

Allowed

Right to Life - Article 21 I/c

◦ DNR - **Allowed** Yes / No (2018 Judgement by Supreme Court)

◦ Living wills / Advance directives **Allowed** Yes / No

To be followed after death

To be followed in future, when the person cannot take their own decision, but is still alive

Euthanasia

Voluntary

- with patient wishes

Involuntary

- against patient wishes

Non-voluntary

patient unable to communicate his wishes

Passive

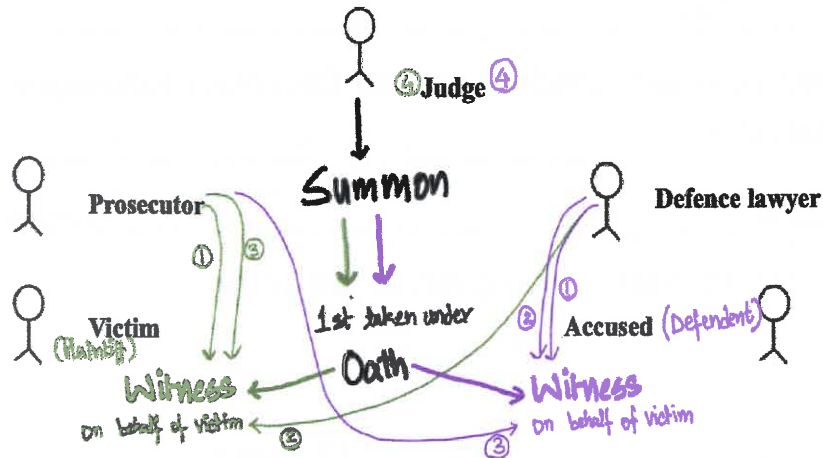
✓ Bombay H/C

✓ Supreme Court

~~Yes~~/No

Aruna Shanbaug case

Court Procedure



- Person who files case in court is Plaintiff
- Lawyer who fights case on behalf of plaintiff Prosecution
- Person who is accused of a crime Defendant
- Lawyer who fights case on behalf of defendant Defense lawyer

1. Examination in chief/ Direct examination
2. Cross examination
3. Re-examination/ Re- Direct examination
4. Questions by judge

- 1 and 3 (examination) are done by party calling the witness
- 2 examination is done by opposite party
- When can a judge ask questions - anytime
- Can a new fact be introduced in Re-examination - Yes, by permission of Judge, New cross-exam done.

Cross Examination

- Time limit - No
- If the witness has been called by accused then cross examination will be done by Prosecutor
- LEADING questions are allowed
 - In this the answers can be given as Yes or No

Oath

- Minimum age for administering oath is 12 years
- Giving false evidence under oath is known as PERJURY. It is defined under section 227 BNS (191 IPC) and punished under section 229 BNS (193 IPC).
 - Punishment - 3 - 7 years.

Summon / SUB-POENA (under penalty) - A document that is issued by the judge to call a witness to the court to give evidence.

- Punishment for non-attendance of court summon can be given by

◦ Criminal court/ civil court ← Both

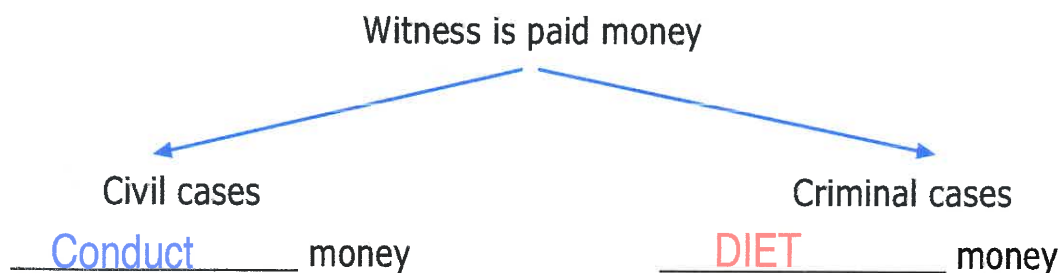
- Priority of attending summon

◦ High court/ Sessions court

◦ Criminal court/ Civil court

◦ Received first/ Received second

② High court & civil case > session court & criminal case





→ Doctor - Can be both Common witness
Expert

Dying declaration (Sec 26 BSA)

- Oath is administered - True / False
- Doctor certifies Compos mentis - fit for statement
- Anyone can record it - True / False

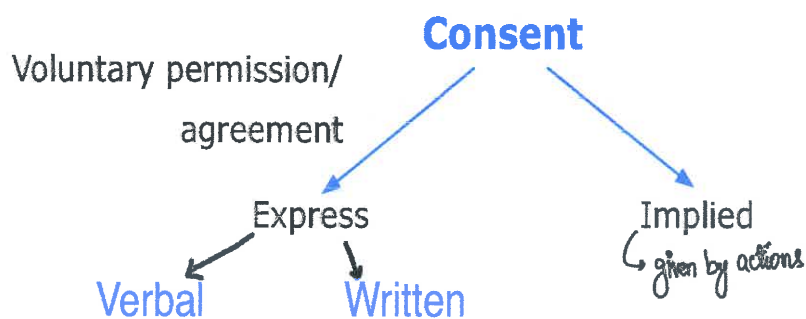
Best by

- Magistrate > Doctor > Police > Civilian
 - If the person gives multiple declarations, then all of them should be read out in court - True / False
 - If the person survives it has Corroborative value.

Dying Deposition

Oath, Examination in chief, cross examination, re-examination, questions by judge - are done to record evidence (whole court procedure followed)

- but outside the court
- Better than dying declaration - True / False
- Followed in India - Yes / No
∴ Cross Examⁿ
(Leading Questions)



Informed consent - Full Disclosure → exception

Consent taken for all procedures at once

Therapeutic Privilege

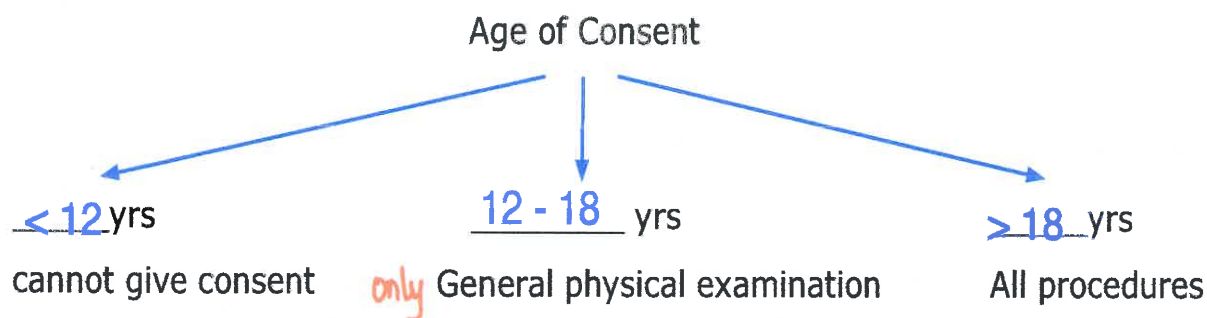
Blanket consent - Invalid consent

Consent required because of Assault - 130 BNS

(351 IPC) except in EMERGENCY - 30 BNS (92 IPC) - Doctrine of Anticipation

Emergency →

1. Lifesaving treatment to be done *eg: RTA case - Patient is Comatose & Guardians not available.*
2. Consent cannot be obtained without unreasonable delay



Consent for illegal act is Invalid

Professional Negligence/ Malpraxis/ Malpractice

Punishment by Court — Fine, Imprisonment

Commission - DOING something which was not supposed to be done

Omission - NOT doing something, which was supposed to be done

Act of Commission/ omission

Civil negligence (Tort)

- can be compensated

Criminal negligence (Gross)

a. Illegal

b. Gross Inattention eg: instruments left in body

c. Cannot be compensated by money

4D's of Negligence

D - Duty of Care

D - Dereliction / Deviation

D - Direct Causation

Not necessarily required → D - Damage/ Injury

eg - Patient \in C/D Fever
Doctor \downarrow prescribes 10g PCM
 \downarrow
Patient falls in pit outside clinic
Leg
 \downarrow
Not Negligent for # Leg

Punishment for negligence causing death by doctor- 106 BNS (304A IPC) - 2 yrs and fine.

Section 125 BNS (336 IPC) - Negligence endangering life, 3mths +/- 2500/-

Section 125 (a) BNS (337 IPC) - negligence causing hurt, 6mths +/- 5000/-

Section 125 (b) BNS (338 IPC) - negligence causing grievous hurt, 3yrs +/- 10000/-

Section 271 BNS (269 IPC) - Negligent act - infectious disease

Section 272 BNS (270 IPC) - Malignant act - infectious disease

Section 273 BNS - Disobedience to quarantine rule - 6 mths +/- fine

Negligent Act- unintentional

Malignant Act - intentionally done

Defences in negligence

- A. Never - RES IPSA LOQUITUR → The fact speaks for itself
- B. Civil/ Criminal negligence -
- Corporate Negligence → eg:- unavailability of equipments Negligence
 - Product Liability - Manufacture
 - Error of Judgement
 - Therapeutic Misadventure / Medical maloccurrence
 - Res INDICA (Limited Period) - 2 years
- C. Civil Negligence
- Contributory negligence - Both doctor & patient are negligent

→ Party at a greater mistake gets Punished/gives compensation
 - a) Last clear chance doctrine - Doctor is responsible
 - b) Avoidable consequences rule - Patient is responsible

Vicarious Liability	Respondent Superior	Captain of Ship doctrine
Employer is responsible for negligence of employee <i>In charge of Hospital</i>	Let the superior reply SR/ Professor eg:- Intern commits Mistake	HOD

Borrowed SERVANT Doctrine

- Master is responsible for servant.

Novus Actus Interveniens - New act Intervening which has changed course of Events

Defence — Homicide → eg:- Person hit on head by another person goes to hospital contracts dengue & dies of dengue shock Syndrome

Offences

Cognizable Offence – arrest Without Warrant. Eg. Murder, dowry death, grievous hurt, ragging, rape

Non-Cognizable offence – arrest With warrant eg Hurt.

Bail given by-

Bailable Offence – By Police

Non bailable offence – By magistrate

Compoundable offence – out of court settlement is allowed

Non compoundable offence - out of court settlement is not allowed → eg: Murder

Section 33 BNSS (39 CrPC) – Public to give information of certain offences

- 103 BNS - murder is to be report
- death of a patient during surgery needs to be reported