

From Fragmented Practice to Systemic Reform: Challenges and Gaps in India's Medico-Legal Autopsy System

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ABSTRACT

Every manslaughter trial for the offense of causing harm to a human body invites the perspectives of the medical officer in order to determine the cause of death, the extent and impact of injuries, whether they are post-mortem or anti-mortem, the likely weapon used, medications and poisons, whether the wounds are sufficient in the normal course of nature to cause death, how long the injuries last, and the likely time of death. Under these circumstances, the investigating authorities will ask a physician to undertake a postmortem examination, often known as a medico-legal autopsy. The family of the deceased does not need to give permission for a medico-legal autopsy to be conducted. The cause of death in an unexpected sudden death may only be ascertained by a doctor during a postmortem investigation. But it's a common misconception that a postmortem examination's sole goal is to determine the cause of death. The need for skill-based forensic training has grown throughout the world as evidence-based forensic practice becomes more prevalent. Regrettably, a lot of offenders get off lightly because of inaccurate reporting of results and poor case management during their initial encounters in hospitals and autopsy facilities. The autopsies are carried out mechanically, and the identical identification markings and results are copied on the certificates. This article emphasizes on the purpose of the investigation and roles of the medico-legal autopsy.

Key words: Court, Investigation, Medico-legal autopsy, Post-mortem.

1. INTRODUCTION

Depending on the nature of death, police or magistrates conduct investigations or inquiries in India, while doctors conduct medico-legal autopsies. While medico-legal autopsies can be avoided in certain circumstances where an inquest yields all relevant facts regarding the death, they do have their own importance. Depending on the reason for the procedure, the majority of autopsies carried out worldwide are

either clinical or medico-legal. Whatever the kind, the main goal of an autopsy is performed to ascertain the exact cause of death. Clinical autopsies are not required by law, but medico-legal autopsies are performed in non-natural, unwitnessed, or suspicious death cases in compliance with state statutes. A post-mortem report is required by the police, the public, courts, and lawyers, among other entities. Everyone is at a distinct understanding level. It should be brief, easy to understand, and pertinent to the issues brought up during the case's interrogation. People are likewise unclear about the goals of a medico-legal autopsy. Only a physician may be able to identify the medical cause of death following a postmortem investigation in an unexpected death. It could be the result of a natural illness, poisoning, mishap, or even a well-planned murder that shows no outward symptoms. It is regrettable that many people think an autopsy is unnecessary if the cause of death is known, since the purpose of the investigation is to ascertain the cause of death. Not the manner of death of person.(1,2)

In India there is no uniform procedure for medico legal autopsy. Every medical college and medical institutes have their own procedure and technic for autopsy. Several state governments have established procedure for medico legal autopsy but the norms established by the law have not followed. Therefore, several legal issues arise and it is also a fatal blow to criminal justice system. In India we have lack of infrastructure and forensic experts and we have new amendment in criminal law due to which the pendency of number of cases has increased. A lack of skilled personnel has resulted in a number of flaws and shortcomings in the process used to conduct post-mortems. Aside from the absence of post-mortem infrastructure, there is no transparency. (3)

2. Data sources:

A comprehensive literature review was conducted to contextualize the research and identify scholarly discussions surrounding autopsy practices. This literature encompassed peer-reviewed journals on forensic medicine, articles analyzing legal frameworks around autopsies, reports and guidelines issued by forensic and legal authorities. The criteria guiding the selection of cases for analysis included cases that specifically address shortcomings in autopsy practices and their impact on legal outcomes or decisions of courts, landmark decisions that led to significant legal precedents or changes in autopsy-related laws and practices and an assortment of cases from various jurisdictions to provide a comprehensive perspective on the issue.

3. Legal aspects of autopsy:

When one becomes aware of a suicide, a death by animal, machinery, accident, or circumstances that lead to a reasonable suspicion that someone else has committed a crime, the closest Executive Magistrate with the power to hold an inquest should be notified right away by the officer in charge of a police station or another police officer designated by the State Government in this regard. They have to proceed to the deceased person's location unless directed otherwise by any prescribed rule of the State Government or by any general or special order issued by the District or Sub-divisional Magistrate. There, in the company of two or more law-abiding neighbours, they have to carry out an inquiry and write a report detailing the apparent reason for the death as well as any injuries, including cuts, bruises, and fractures, that may have been discovered on the body and specifying how, if at all, those marks appear to have been caused. (4) The Investigative Agencies-Police under 'Section 194 of The Bharatiya Nagarik Suraksh Sanhita, 2023' or

Magistrate under 'Section 196 of The Bharatiya Nagarik Suraksh Sanhita' then request an autopsy with the following goals:

- a) To determine the reason for death.
- b) To locate objective, accurate medical data for courts and law enforcement agencies.
- c) To enable appropriate evidence retrieval and preservation.
- d) To record illnesses and injuries.
- e) To ascertain the mode of death.
- f) To ascertain the time of death.
- g) To rebuild the crime scene.
- h) To offer a correlation of the death's facts and circumstances.
- i) To identify the dead body.

4. Landmark cases that highlight the significance of autopsy findings and the judgments based on them:

4.1.1. Case: 'Kapil Deo Mandal V. State of Bihar'(5,6)

4.1.2. Facts of the case: The incident happened at night. Ramanand Mandal heard dogs barking at around 11:00 P.M at night. On his house's verandah, a lantern was blazing. He observed two individuals, Kapildeo Mandal and his younger brother, coming in through the house's roof and into the inner courtyard. One of them moved to the window's southern side and opened it from there. Pratap and Dip Narain Mandal, along with a few others, came inside the house. The main door on the eastern side was opened by one person. Through that doorway came Subhit Mandal and five or six other people. While Milan, Kapildeo, and Dip Narain Mandal were carrying handguns made in their native country, Subhit Mandal was carrying a gun. There were other people with lathis and swords. They attacked the home's inmate. Sitaram Mandal suffered severe injuries after Dip Narain Mandal opened fire on him. Kapildeo Mandal opened fire on Ramanand Mandal after Subhit Mandal gave the order to murder him. Kapildeo Mandal struck Ramanand Mandal on the head with the butt of a handgun made in the nation. One of the miscreants doused Brahmadeo Mandal's body with two bottles of kerosene oil and then went in search of a matchbox to light his body on fire. Mahesh Mandal suffered a lathi attack. The miscreants stole a few items from the residence before they left. Some villagers arrived at the location upon hearing a hue and cry. A land dispute between the parties was the cause of the incident and the assault. In the incident, Sitaram Mandal passed away as a result of the assault.

Madan Mandal is a person who is not a witness. The incident had ended when he arrived at the scene. He claimed that Ramanand Mandal told him the accused appellants were the ones responsible for the attack on both him and the late Sitaram Mandal when he arrived at the scene of the occurrence. He acknowledged that the land dispute between the families of accused Dip Narain Mandal and Ramanand caused all of this. After the event, two days later, the police recorded his statement.

One of the deceased's sons, Mahesh Mandal, testified that he saw the incident through the flash of a torch light; in addition, he mentioned that a lantern was burning in the verandah. He named the

accused appellants and said that Subhit Mandal was armed with a double barrel gun and Dip Narain Mandal with a country-made pistol. Subhit Mandal fired a double barrel gun at his father, Sitaram Mandal, and Dip Narain Mandal fired a pistol at his father, while Dip Narain Mandal also fired a pistol at him. Pratap Mandal struck him in the head with a knife. He observed the miscreants injuring Ramanand Mandal before fleeing after gathering clothes and ornaments. This witness stated that the late Sitaram Mandal was injured by a knife as well as a handgun. When his statement was recorded four days after the incident, he acknowledged that he had sought guidance from family members regarding the incident before speaking with the police.

The investigating officer who took down the witness testimony that the prosecution questioned. None of the witnesses, he claimed, had shown him any clothing soiled with blood. The deceased man's son, Mahesh Mandal, did not provide a list of the items that were taken from his home. He was not informed by Brahmadeo Mandal that Kapil Dev Mandal had taken away clothing and jewels. Bimla Devi did not tell him about the attack on her or the kerosene oil that was poured on Brahmadeo. Neither inside the home nor on the exterior verandah did he discover any empty cartridges, burned cotton, burned papers, wads, or pellets throughout the examination.

During the post-mortem examination of Sitaram Mandal's body, Dr. Ambroj Kumar Choudhury reported that he discovered several antemortem injuries. While some injuries were minor, some others were serious. The doctor testified that both hard blunt and sharp piercing weapon were used to cause the different injuries. According to the doctor's testimony, the aforementioned injuries caused shock and haemorrhage, which ultimately led to the death. During the cross-examination, the physician acknowledged that he could not discover any evidence of a firearm injury on the deceased's person.

4.1.3. Judgment: The eyewitnesses assert that the accused-appellants were carrying firearms at the time of the injuries, which they allege caused the injuries, even though the medical evidence shows that the deceased's corpse did not display any firearm-related injuries. Under such circumstances, the court will consider the medical evidence more highly than the testimony of the eyewitnesses when evaluating the prosecution's case. This is so that the narrative provided by the eyewitnesses may be conclusively refuted by the medical evidence, which gets right to the core of the issue. In cases where accurate medical information deviates from the testimony of eyewitnesses on the purported injuries, the prosecution's version before the court may be rejected by the judge on the grounds of adverse inference.

The medical evidence completely refutes the prosecution's claim that firearms caused the accused's injuries, and the prosecution has not produced any evidence of pellet or bullet recovered from the scene of the incident or from the deceased person's body during the post-mortem. For these reasons, the Honorable Supreme Court granted the accused/appellant the benefit of the doubt and acquitted them.

This landmark case demonstrates that, despite the presence of eyewitnesses, the conclusions drawn from the autopsy were prioritized in the final judgment.

3.2.1. Case: 'Khurshid Ahmed V. State of Jammu and Kashmir' (7,8)

3.2.2. Facts of the case: Arshad Sajad, a hardware material shop owner, along with his father Sajad Ahmed Bhat, were going home on May 18, 2006, after closing the shop. Around 5:30 p.m., they were approaching the nearby Masjid when the appellant in question stopped them and began derogatorily addressing them. The appellant struck Arshad Sajad on the head with an iron and proceeded. The injured Arshad Sajad and his father visited nearby Ali Mohd's clinic, and following his advice, went to the Bhaderwah police station and reported the event to the authorities. As Arshad Sajad's health worsened, he was being moved to Government Medical College in Jammu for better care; however, he passed away from his wounds en route. The police, acting on the complaint lodged, retrieved an iron rod, measuring 3 feet in length and 8 centimeter in circumference, which had been used as a weapon of offense. Abid Hussain, a witness has stated that he saw the accused and the deceased fight during the day at the latter's shop, as well as the threat the accused made.

As indicated by the post mortem report, the deceased had several external and internal injuries in the head and neck. The doctor explicitly stated in his testimony that the injuries on the deceased's body were sufficient to induce death. During the cross-examination, the physician who treated the patient before death, clarified that the dead was fully conscious during his observation and that a specialized surgeon was consulted as well. In order to get the patient to GMC, Jammu for better care, an ambulance was also given.

3.2.3. Judgment: The accused parties faced accusations of both armed assault and murder. The surgeon who performed the post-mortem decided that the injuries found on the deceased's body were adequate to cause death. After taking note of the post-mortem report and providing specifics of the injuries observed on the body, the Court concluded that Sajad Ahmed's account of the accused's assault was confirmed by the post-mortem report and the testimony of the doctor, based on the previously indicated facts. Consequently, the Court declared the accused guilty, noting that the medical evidence and the direct oral testimony that is on file both support the accused's guilt. Sajad Ahmed, the dead individual's father, was the sole one present at the scene when the crime was committed. Consequently, the case as a whole depended on the veracity of Sajad Ahmed's testimony, which was unavoidably charged by the appellant (accused) of being an involved (interested) witness and giving unreliable testimony as a result, given that he was the father of the dead. The prosecution's case was strengthened by the Supreme Court's ruling that Sajad Ahmed's testimony is confident and that the events and circumstantial evidence and medical evidence supported his claims beyond a reasonable doubt. The Court believed Sajad Ahmed to be a "natural" witness to the incident. After careful analysis, the court determined that his proof is intrinsically reliable and totally trustworthy.

3.3.1. Case: 'Machindra v. Sajjan Galfa Rankhamb and Others'(9)

3.3.2. Facts of the case: The parties in this case are close relatives. Kakasaheb is Sajjan's son and respondent (Sajjan) is the brother-in-law of the appellant (Machindra), who was married to Sajjan's sister. About 20 years before to the date of occurrence, it appears that the appellant had bought 3 acres of land from his father-in-law, the respondent's father. Respondent expressed dissatisfaction with the aforementioned transaction, citing the purported animosity between the parties as the reason. The appellant had two sons: Dattatreya and Gorakh. The appellant filed a complaint at the

Osmanabad Rural Police Station claiming that while his younger son Dattatreya stayed at home, he, his wife, and other family members had gone to his granddaughter Rupabai's wedding. When they returned from the marriage, one Balu Shekha Solawar informed the complainant that Dattatreya had been killed in the Sanjay Sambhaji Jethithor field by accused Sajjan and his son Kakasaheb. The complainant discovered Dattatreya's lifeless body lying in the field after racing there. The complainant was informed by the locals present that Dattatreya was killed by the defendants. The Osmanabad Rural Police Station filed a complaint against the respondent and his son, who are the deceased's maternal uncle and son, for using a stick and a yoke pin to cause the deceased's death.

3.3.3. Judgment: The medical evidence that was given in the case was reviewed by the Supreme Court before it upheld the ruling of the High Court. In post-mortem report, cause of injuries was not stated nor was any opinion formed to create independent testimony. The doctor has withheld information regarding the age and probable source of the injuries, therefore the purported eyewitnesses' testimony is wholly false and unsupported by medical evidence. Furthermore, in his statement before the trial court, the investigating officer failed to cite any eyewitnesses to the occurrence. The aforementioned investigating officer claimed that he was informed about the incident by an unnamed source. If this is the case, eyewitness accounts appear phony and fake. The expert's opinion is worthless and of no assistance to the Court if the report is insufficient, unclear, or lacks information on similarities or differences.

Such evidence's probative significance makes it possible to include it in the scales for a cumulative assessment. However, examining the post-mortem report, neither the cause of the injuries nor an opinion developed to produce independent testimony were included. We want to highlight the important role that the expert's opinion which is only a conclusion based on a collection of facts that come to his knowledge and observation plays. An expert's judgment should be substantiated by compelling evidence and be demonstrable. It is not reasonable to anticipate the court to cede its own decision-making power and assign it to a third party, no matter how powerful. An expert's opinion is useless if his report is shoddily written, insufficient, or cryptic and does not include information on similarities or differences. These comments frequently have no value for the court and cause significant gaps in the prosecution's case, which is the main goal of the evidence. As a result, we believe the prosecution has not shown that the injuries caused by the recovered firearms were the reason for the death.

Supreme Court held that the High Court properly acquitted the accused and granted them the benefit of the doubt.

This case illustrates that poorly conducted autopsies can favour the accused and often complicate the decision-making process. Therefore, it is crucial that autopsies are carried out correctly to serve as a strong evidence with high probative importance for delivering justice.

3.4.1. Case: 'Vineet Kumar Chauhan vs State of U.P' (10)

3.4.2. Facts of the case: The deceased's husband, Sri Krishna Sharma, filed a Report (FIR) with the police station Majhola, District Moradabad, stating that at approximately 9.45 a.m. on that day, while he and his family were watching television, the appellant a cable operator who lived across the street

from them and brought along his servant, Dharamveer came to their home and attempted to convince his son, Ravindra Sharma, to get a cable connection from them. The appellant and Ravindra Sharma got into a fight after they turned down their request for the cable connection since they weren't interested in it. The appellant was requested to leave their home by the complainant and his spouse, who became involved.

The appellant went to his home, took out his father's licensed gun, and fired randomly from his doorway towards the complainant's residence. Sri Krishna Sharma's wife was the victim of a gunshot wound to her jaw while she was closing the entrance to their home when several bullets struck the door. After taking his hurt wife to the hospital for treatment, Sri Krishna Sharma filed a FIR.

The ballistic report seriously questions whether the distorted bullet that was allegedly recovered from the scene actually came from the seized revolver. The prosecution was also required to send the bullet that was allegedly recovered from the deceased's body for analysis by the ballistic expert in order to link the appellant's father's recovered licensed revolver to the crime. It was argued that failing to submit the bullet for ballistic analysis is a serious flaw in the prosecution's case, given that it was a positive case for the prosecution that the bullet that struck the dead was fired from the seized handgun. It becomes even more significance in light of the Ballistic Report, which doesn't even prove that the lead bullet fragments found at the scene were actually discharged from the handgun the appellant is supposed to have been using. The decision of this Court in Mohinder Singh Vs. The State, which noted that in a case where death is due to injuries or wounds caused by a lethal weapon, it has always been considered the prosecution's responsibility to prove by expert evidence that it was likely or at least possible for the injuries to have been caused with the weapon and in the manner in which they are alleged to have been caused.

3.4.3. Judgment: The victim in this case died as a result of the bullet wounds, according to the Supreme Court. During the post-mortem examination, a bullet was discovered in the spinal cord; however, it was not sent for forensic analysis. Instead, fragmented bullets from the crime scene were sent for professional opinion. According to the expert, sample bullets fired from the gun under inquiry did not match the misaligned bullets from the alleged crime scene. It cannot be established as a general rule that the prosecution will always present the testimony of a ballistic expert in cases where an accused person is accused of using a firearm in order to prove the case, regardless of the quality of the direct evidence that is on file. It goes without saying that in situations where the direct evidence is of such an undeniable kind and the kind of damage disclosed by post-mortem notes is compatible with the direct evidence, it may not be deemed necessary to have a ballistic expert examined.

However, in situations where direct evidence is insufficient or there is some doubt about the potential causality of the injuries, it may be better to examine an expert in order to reconcile apparent discrepancies or to bolster oral testimony.

The appellant was convicted under Section 304 Part II IPC by the Supreme Court, which overturned his conviction under Section 302 IPC. Five years of hard incarceration would serve the purposes of justice.

3.5.1. Case: 'Dr. (Smt.) Nupur Talwar vs State of U.P. And Anr.' (11)

3.5.2. Fact of the case: Dr. Rajesh Talwar learned that his daughter Aarushi had died in her bedroom at house no. L-32, Jalvayu Vihar, Sector 25, Noida and filed a first information report at Police Station Sector 20, Noida. Dr. Rajesh Talwar in the initial information report singled out Hemraj, the domestic assistant in the Talwars' home. 3 days later, the deceased body of Hemraj was found on the terrace of the same residence of Dr. Rajesh Talwar.

3.5.3. Judgment: Dr. Sunil Kumar Dohre, Medical Officer in-charge of the Primary Health Centre, Sector 22, Noida, conducted Aarushi's corpse's autopsy the same day between 12 and 1:30 p.m. Aarushi's post mortem report by Dr. Sunil Kumar Dohre states that she was approximately 14 years old when she died, and that she had rigor mortis in both her lower and upper limbs. She had both eyes congested, and her physique was average. There was yellowish vaginal discharge visible. The vaginal slide set was ready. Pathology was consulted in order to rule out sexual assault or rape in light of Aarushi's broken vaginal regions. She was neither sexually assaulted or raped, according to the pathology report.

Aarushi Talwar's private parts were covered by the column at serial number 7, which was marked as NAD (No Abnormality Detected) in Dr. Sunil Kumar Dohre's post mortem report. There was a claim that Dr. Sunil Kumar Dohre's subsequent spoken statements substantially altered the perspective that had been previously expressed. It was declared that consideration could not be given to Dr. Sunil Kumar Dohre's updated version of what happened after the postmortem report was submitted. Moreover, it was contended that the investigative agency had failed miserably to carry out a proper and systematic investigation in the circumstances. Besides, it was asserted that Dr. Sunil Kumar Dohre had been forced to take a negative stance regarding the data found in his own research. After two years, more comments from Dr. Sunil Kumar Dohre show a number of irregularities, even though he first concluded that there was nothing strange in Aarushi Talwar's intimate areas. It was contended that upon reviewing the latest of these declarations, the Magistrate came to the conclusion that Aarushi Talwar's private regions had been cleared after her murder. A pathological investigation of the white discharge found in Aarushi Talwar's vagina, which showed no spermatozoa, was used to support the case that the assumption was unreasonable and implausible.

4.1.1. Case: 'RM. Arun Swaminathan Vs. The Principal Secretary to the Government, Health and Family Welfare Department, Government of Tamil Nadu, & Anr.,' Bench: JUSTICE N. KIRUBAKARAN, JUSTICE S.S. SUNDAR'(12)

4.1.2. Facts of the case: A petition under 'Article 226 of the Indian Constitution' requests the issuance of a Writ of Mandamus compelling the defendants to

- (a) Perform autopsies in accordance with the Tamil Nadu Medical Code.
- (b) To videotape every autopsy performed in the State to prevent problems and re- post mortems; the same videotape will be transmitted to the jurisdictional Magistrates.(13)
- (c) In accordance with 'Article 621 of the Tamil Nadu Medical Code,' On the same day as the post-mortem, the post mortem certificates will be delivered to the jurisdictional Magistrates.

- (d) To designate Scientific Officers at Medical Colleges so that they can perform impartial and appropriate autopsies.
- (e) There is a severe shortage of certified forensic medical experts, according to the petitioner. These are exclusively found in medical colleges; they are not found in any government hospitals, which leads to post-mortems being performed without adhering to the Tamil Nadu Medical Code's recommended protocol.
- (f) The petitioner claims that hammers and other equipment are utilized during autopsies instead of dissection kits.
- (g) The post-mortem report must be sent to the relevant magistrate that same day, and the article is repeatedly broken. Because Article 621 is not being adhered to, innocent people are impacted.
- (h) The main contention of the petitioner is that medical officers sign post-mortem reports without ever having examined the body. They sign pre-drafted certificates once a week, on Mondays, or on the same day most often.
- (i) They preserve the same identification markings, heart rate, and stomach fluid content, and copy and paste the post-mortem certificates, removing everything but the name, age, and police station. None of the post-mortem certificates provide the post-mortem completion time. None of the post-mortem certificates state the mode of death, which is something that should be mentioned. The framework established by the NHRC is not even being followed by the 'Directorates of Medical Services and Medical Education'. Only six or seven of the 115 post-mortem registers and documentation that Medical Colleges are mandated to keep are now in use.
- (j) As per the petition, in all medico-legal autopsies, medico-legal bone cases, and X-ray age estimation, the Medical Officer shall have the support of the Scientific Officer. He must find out how the death occurred and assist the medical officer in addition to acting as the public and police liaison on official matters. Of the roughly thirty medical colleges in Tamil Nadu, only three Scientific Officers are employed. When there are no scientific officers available, untrained attendants, sweepers, and scavengers do post-mortems. Most of the time, medical officers write the method of death incorrectly on their individual post-mortem reports.(14)

4.1.3. Judgment: The honorable High Court observed that an adverse litigation is not what the writ petition is. This lawsuit is only one of public interest. During post-mortems, the petitioner identified a number of flaws, gaps, and even inconsistencies

- (A) "According to the petitioner, autopsies are conducted in a mechanical manner by the concerned officers of the Forensic Medicine. To make the position clear, the petitioner has produced a string of post-mortem certificates in respect of different people. The post-mortem certificate contains very same identification marks in respect of different people. There are other similarities also with respect to the certificates. The petitioner, is therefore, prima facie, correct in his contention that autopsies were done in a very mechanical manner without even taking note of the actual identification of the concerned persons. We are, therefore, of the view that the issue requires consideration."
- (B) Doctors' testimony based on post-mortem certificates is crucial in criminal prosecutions, particularly those involving murder, suicide, and assault. Since doctors are the finest experts in their field, courts typically accept their view and evidence as gospel truth, and cases are determined solely

on the basis of the doctors' testimony. The cases listed highlight the importance of post mortem reports and medical documentation from license practitioners.

The significance of post-mortem certificates in criminal trials and Motor Accidents Claims proceedings is such that the opinion of doctors or post-mortem certificates is accepted by the courts to establish the victim's age in these situations. The courts would use the corresponding multiplier as specified in the 'II Schedule of the Motor Vehicles Act, 1988 under Section 166(A) of the aforementioned Act,' based on the age indicated in the post-mortem certificate, to determine the amount of compensation to be given to the victim's dependents.

The Honourable High Court stated that although medical practitioners were not following the protocol as required by 'Article 621 of the Tamil Nadu Medical Code,' post-mortem certificates were supposed to be prepared in accordance with that code. Generally speaking, they mention the gender of the deceased, but in a few certificates produced by the petitioner, the approximate age to be entered should be determined based only on looks.

One original and three copies of the post-mortem certificate must be prepared. The appropriate magistrate must receive the original in a sealed cover, the police should receive the second copy, the district medical officer should receive the third copy, and the institution must keep the fourth copy on file. On the same day as the post-mortem, the Medical Officer is required to deliver the original certificate to the Magistrate through the Police. However, the petitioner claims that protocol is not adhered to.

The authorities have a legal obligation to notify the Deputy Superintendent of Police or the Superintendent of Police about the failure of the Local Police and the doctors to keep the post-mortem certificates in cold storage if they are not received by the Police on the same day. While the function of the Forensic Experts in conducting autopsies is acknowledged by this Court, it is well known that other individuals in the mortuary room, such as sanitary workers or attendants, typically perform the dissection of the body.(14) As a result, this Court cannot discount the petitioner's claims. The counter-affidavit submitted by respondents 1 through 3 states in paragraph No. 8(a) that the length of a post-mortem varies from one to three hours, depending on the circumstances of each case. On the other hand, it is reported that a forensic medical expert performed sixteen post-mortems in one day.

According to the post-mortem reports, the results on the body are not adequately reflected. Autopsies were occasionally performed by others, even in the days before medical specialists. Before they could view the body, forensic experts would prepare independently, frequently using cut-and-paste techniques. When the physicians do come in, it's usually to sign the attendance record multiple days in a row. The doctors don't always visit. They each designate one doctor to manage the workload on a single day, even though many doctors are required to dedicate their time to hospital work. The post-mortem certificates are pre-drafted or created on dotted lines, as was previously described. Many of the certifications were turned in to the department head rather than the magistrate, and they are not delivered to the magistrate via the police as required. Because of this, the certificates were occasionally sent to the magistrate months apart, which allowed for manipulation.

Conclusion: Autopsies identify the cause of death and supply evidence for legal inquiries and court processes, they are essential to the criminal justice system. By creating reliable death data, autopsies also contribute to medical knowledge growth and serve as a way to record societal health. A postmortem examination is performed during forensic autopsies in order to determine the cause and mode of death. Any proficient pathologist, or even a vigilant non-pathologist physician, can accurately diagnose the cause of death. In cases that are more intricate, individuals who lack the forensic pathologist's trained or deeply entrenched suspicion may be duped by appearances and fail to pursue additional information beyond what is readily apparent. The typical doctor frequently lacks awareness of the potential medicolegal repercussions and the importance of autopsy reports or views them with a somewhat lenient attitude. The majority of crime scene management is done on an as-needed basis, depending entirely on the forensic disposition of individual investigating officers, due to the lack of recommended guidelines. Most of the time, rapid arrests have occurred, but the courts have not been able to convict people of their crimes. Courts often struggle to convict individuals of crimes due to various obstacles, including insufficient evidence, contamination of evidence, or the inability of the evidence presented to meet the standard necessary for conviction. As we have discussed, several factors contribute to these challenges, such as inadequate training for law enforcement personnel, a shortage of qualified forensic experts, and significant organizational and infrastructural issues in every state. Addressing these problems is crucial to enhance the integrity of the investigative process and improve the efficacy of the judicial system in delivering justice.

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