

CHAPTER 18

Unnatural Deaths

451-1. Section 174 to 176 Cr.PC lay down the procedure for holding the inquests. Inquest means legal examination of dead body. Inquest is to be held on the bodies relating to unnatural deaths. The purpose of the inquests is to ascertain the apparent cause of death in cases where the police receive information that a person has met with an unnatural death;

- A. By committing suicide or
 - B. Has been killed by another or by an animal or machinery or accident or
 - C. Has died under circumstances in which the death is due to an offence committed by another person
2. The inquest is to be held by the SHO or by HC if he is so authorized by the government.
3. On receipt of information the SHO shall record it in of the same pro-forma as that of the FIR and promptly dispatch it to the executive magistrate.

Action at the scene:

4. On arrival at the place, the SHO shall take the following steps.
- A. Ensure that the position of the body is not altered.

- B. Safe guard the place of occurrence and prevent destruction or disappearance of evidence.
- C. Secure two or more respectable inhabitants of that locality.

Enquiries under section 174 CrPC

452-1.The inquest must be held in the presence of two or more respectable inhabitants, who should be summoned under section 175 CrPC by an order in writing in Form .

2. Witnesses who appear to be acquainted with the apparent cause of death should also be summoned and examined in the presence of witnesses.

3. While examining the body the following points must be noted in the inquest report.

- A. The position in which the body was found.
- B. The position, length and width, and colour of any wounds, bruises or other marks of injury.
- C. The nature of any fracture.
- D. The articles, clothing, jewellery, or any other incriminating (material) found near the body (An inventory should be made).
- E. The age, condition of hair, the description of the face etc.
- F. Any old scars, warts, moles etc. and their exact position, approximate height.
- G. Any other details.

4. The witnesses summoned should be examined and their statements recorded in Form _____ separately and enclosed with the inquest report. The witnesses shall not sign them.

Inquest Report

- 453-1.** When the inquest is completed, the officer conducting the inquest shall draw up a report in Form _____ in which he shall state apparent cause of death, the description of any marks, or marks of violence which may be found on the body and describe the manner and the weapon with which such marks appears to have been caused.
2. The report shall be signed by the officer holding the inquest and by the witnesses after their opinion is recorded.
 3. The inquest report along with the statements of witnesses should be forwarded to the court and to senior officers immediately.
 4. The individual opinion of the witnesses should not be entered in the report. They can be written in the case diary by the I.O. Persons who do not concur with the report shall not be pressurized to sign.
 5. In case of death of more than one person there shall be separate inquest reports on each body.
 6. After the inquest the officer concerned shall immediately but not later than 12 hours, intimate the executive authority of the

municipality or Panchayat the details of the deceased in Form

7. Postmortem of the dead body by a doctor is not a must except in the case provided herein. Forwarding the body for postmortem is necessary only when the apparent cause of death could not be ascertained definitely in the inquest.

Procedure on occurrence of large-scale deaths

454. There will be occasions when large scale deaths occur due to bus or Air accidents, building collapses, Fires, poison, gas leakage's, earth quakes etc. In such cases where the cause of death is apparently known, there will be no need to hold inquests, unless in respect of any specific dead body foul play is suspected. In such cases inquest may be conducted on one or two dead bodies. But a certificate from medical officer in such incidents may be sufficient keeping the requirements of compensatory claims for death or injury. The dead bodies should be disposed off quickly in the interest of health and hygiene. Postmortem is a must in the cases as mentioned in the next Order .

Inquest by Executive Magistrate

455-1. In the following cases, the Executive Magistrates shall hold inquests.

- A. Where the case involves suicide by a woman within 7 years of her marriage or
- B. Death of a woman within 7 years of her marriage and there is suspicion that some other person committed the offence.
- C. Death of a woman within 7 years of her marriage and any of her relation made a request in this behalf

- D. The police officer for any other reasons considers it expedient to do.
- E. In all cases of deaths under custody of police and encounter deaths.
2. In all the above cases, it is also necessary that the body is sent for post mortem. The inquiry by the magistrate in the cases A, B, and E mentioned above shall be either instead of or in addition to the investigation held by the police officer.
3. All District Hospitals under the Government of hospitals are authorized by the government to conduct post mortem examinations by the qualified medical officers.
4. Ayurvedic, Unani and Homeopathy doctors are not authorized to conduct post mortem examinations.
5. Medical practitioners working in primary health centres also can issue wound certificates. Ayurvedic licentiate in Indian medicines cannot issue wound certificate.

Disinterment of Bodies (Exhumation)

456-1. Whenever an SHO making an investigation reasonably suspects that the body of the person is buried under questionable circumstances; he shall record his reasons in writing and forward the information with a requisition under section 176(3) Cr.P.C. to the nearest executive magistrate to present at the time of disinterment. In the mean time he should make arrangement to guard the grave.

2. When the body is disinterred, the SHO or the IO shall establish the identity of the body through witnesses.
3. If there is a possibility of the body being decomposed and unfit for removal for post mortem and in anticipation of such circumstances, the presence of a doctor can also be secured along with the magistrate even before exhumation and the doctor may be requested to conduct post mortem there on the spot.

Inquest reports – Post mortem – Salient points

457-1. In all cases inquests held by magistrates, the executive magistrate will prepare statements of witnesses and enquiry report. This becomes a part of the record in a trial. In such cases there will be two sets of statements from the witnesses, one by the magistrate and another by the police during the course of investigation. Since both the statements will be supplied to the accused any discrepancy in the version will go to the benefit of the accused.

2. Post mortem examination is a necessity in cases where it is felt necessary, as the medical opinion is important in ascertaining the cause of the death.
3. When the body is sent for post mortem examination a police officer must be deputed to accompany the dead body for the purpose

of identification of the body and must necessarily be cited as a link witness.

4. In cases of advanced putrefaction/decomposition of the body and where the movement of the corpse may make it impossible for the medical officer to form a correct opinion as to the nature of injuries or cause of the death, the medical officer may be requested to conduct his examination at or near the scene.
5. When the body is sent for post mortem all available information relating to the body must be given to the medical officer. It is desirable that a copy of the inquest report be sent for his guidance. Necessary forms will be & .

Preservation of corpse

- 458-1.** All fresh bodies should be preserved in cold storage.
2. If such facility is not available they should be kept on ice blocks.
3. In the absence of the above, it should be placed up on a layer of powdered charcoal from which it is separated by a cloth. A cloth with another layer of charcoal should then cover it. The whole body being covered by another cloth and a mat.
4. After the post mortem examination, unless there are orders to the contrary, the police shall hand over the body to the relatives or

friends of the deceased. In their absence they shall arrange for the disposal of dead body as in Order .

Guidelines relating to Postmortem examination and wound certificate

459-1. Postmortem examination should be conducted expeditiously on the same day the body is received irrespective of that day being a holiday. If it is received late in the evening external appearances and wounds should be noted immediately with the help of bright lamp and the subsequent examination done early next morning.

2. In addition to granting postmortem and wound certificates the medical officer should answer any questionnaire issued by the police officer to clarify any doubts. The opinion on the questionnaire must be furnished in writing.

Unidentified bodies

460. If a body is unidentified the IO shall take the following steps:

1. Take photographs (face, lateral and length wise) of the deceased through which body can be identified.
2. If face is smudged due to bloodstains etc., one photograph be taken as such and another photograph after cleaning the face, for identification purpose.
3. Find out whether the dead body is of a Hindu or Muslim or Buddhist or Christian.

4. Search for identification marks, tattoo marks, tailor marks and any physical deformity or any physical peculiarities.
5. Search for tyre marks or other incriminating evidence in and around the dead body to ascertain whether the body was brought from outside and thrown at the scene or otherwise.
6. Inform the local press to publish photo and also the local cable T.V. network to broadcast the news.
7. Send photographs and descriptive particulars to all SHOs of bordering P.Ss and those P.Ss where there is reason to identify the body. The same should also be published in the in criminal investigation gazette.
8. Send a detailed message to all the SDPOs of the District, besides sending a copy of message to bordering SDPOs and SsP concerned to inform whether any men / women missing cases were reported prior to noticing the dead body.
9. Take fingerprints as per the procedure detailed in Order of Chapter of this Manual. If the body is putrefied, address letter to Medical Officer to preserve all the 10 phalanges so that FPs could be taken.
10. Send Finger Prints to the concerned State Finger Print Bureau to locate the person if he / she is having any criminal record.

11. Depute a PC / HC with photograph and details to the neighbouring districts to meet the concerned of DCRB to find out the identity of the deceased.
12. The District Control Room should inform all the SHOs for a report, if any, of the missing persons, so that the identity can be crosschecked. If the dead body bears ante-mortem injuries, register a case under 302 IPC immediately and take up necessary action.
13. In cases of suspected homicides it is advisable to collect blood samples on a clean white cloth or a white paper, dried under shade for the purpose of future D.N.A. finger printing tests.
14. Collect the body fluids and other material objects in accordance with the guidelines contained in Chapter of this Manual.

Death in Encounters or in Police Custody

461-1. In all deaths in police custody and encounters, FIR shall be registered and immediate report made to the concerned executive magistrate who shall hold inquest. The executive magistrate shall hold an inquiry and submit his report. Publicity must be given to facilitate the relatives to be present and give evidence during inquiry.

2. The National Human Rights Commission has recommended the following procedure to be followed in cases of deaths in police encounters.
 - A. When the police officer in charge of a Police Station receives information about the deaths in an encounter between the Police

party and others, he shall enter that information in the appropriate register.

- B. The information as received shall be regarded as sufficient to suspect the commission of a cognizable offence and immediate steps should be taken to investigate the facts and circumstances leading to the death to ascertain what, if any, offence was committed and by whom.
- C. As the police officers belonging to the same Police Station are the members of the encounter party, it is appropriate that the cases are made over for investigation to some other independent investigation agency, such as State CID. Alternatively such cases may be investigated by an officer of the rank of Dy.Suptd. of Police/SDPO of some other district.
- D. Question of granting of compensation to the dependents of the deceased may be considered in cases ending in conviction, if police officers are prosecuted on the basis of the results of the investigation.

Death in Jails

1. In all cases of death in jails the inquest and inquiry should be made by a magistrate in terms of Jail manual.

Compensation cases – Supply of documents by police:

462-1. In all cases of accidents compensation is paid to victims resulting in death or injuries due to natural calamities, accidents by Air and roads and also due to violence in caste, communal and terrorist incidents. Apart from insurance

companies various authorities also pay compensation. To facilitate such victims and the legal heirs of the deceased to claim relief from the authorities or tribunals in time, the police must furnish free of cost, the following documents to the victims as well as to the authorities of claims Tribunal having jurisdiction and insurance companies within 30 days without their requisition as required under section 158 (6) of M.V.Act.

- A. Attested copies of FIR, inquest reports, postmortem and wound certificates and the statements of witnesses if any.
- B. In motor accident cases the report of the Motor Vehicle inspector relating to the damage of the Vehicle, copies of Certificates of Insurance, Certificate of Registration, Driving License and Fitness Certificate.
- C. Charge sheets or final reports.

2. The above documents may be furnished free of cost to the voluntary agencies, legal aid committees and legal service authorities also if they take up the cause of the victims.

Points for enquiry in death cases:

463. The following important points must be observed during inquests:

- 1. In cases of suspected poisoning
 - A. Collection of food remains, vomiting

- B. Ascertain exact time of taking food
2. In cases of hanging or strangulation
 - A. Before cutting or removing note the strangulating medium, lividity of face, lips and eyelids, state of the tongue whether enlarged or protruded, flow of any fluid from the mouth or nostrils.
 - B. Note the state of the neck, whether there are any marks, state of the thumbs whether crossed over the palm.
 3. Body in a river or tank.
 - A. Note for marks of blood around the mouth or sides of the tank.
 - B. State of the skin whether smooth or rough and any external marks of injury
 - C. Note the condition of the hands and feet. Sand or weeds under nails if any should be removed and preserved.
 - D. Details of clothing and the manner of wearing
 4. Body found murdered in open.
 - A. Note the location, character and number of injuries
 - B. If weapon is found pack and seal it carefully without disturbing the prints if any
 - C. In the case of exposed infant, note the state of umbilical cord and any marks of violence. Examine the skull for any fracture
 - D. If the sex is not definite, seize and collect the Jaw and the bones of the Pelvis and samples of skin.
 - E. If the body is burnt, collect the pieces of bones and ashes

5. Death due to firearms and explosives:
 - A. Exact shape, location and number of entry and exit wounds
 - B. Marks of burns of hair or skin around the wounds
 - C. Recovery of pellets, spent cartridges or any firearms from the scene
 - D. Remains of explosive devices
 - E. Show in the sketch the damage caused by firing or explosion in the scene

6. Deaths in motor accidents:
 - A. Tyre marks and skid marks
 - B. The description of all injuries
 - C. The portion of the road where the body is found
 - D. Any of the fibers or clothes of the deceased sticking to the vehicle

Important points to be borne in mind about inquest:

- 464-1.** Inquest must be held immediately after inspection of the scene

2. Independent witnesses of the locality must be present all through the inspection of the IO.

3. Inquest must be drawn at the scene.

4. When different parts of the body are found at different places separate inquests must be drawn, steps should be initiated to establish the identity of the body. If the identity is not known a colour photograph and colour videograph should be taken in an undisturbed position. Then different photographs should be taken in different angles. Finger impression also should be taken. When several bodies are there, number of police officers may be engaged to hold inquest on different bodies. Body and the wounds should be described methodically and systematically from head to foot.
5. The description of clothes found on the body and the exact place of blood or stains found should be noted.
6. If any article is seized packing and sealing shall be done on the spot.
7. Every detail touching the apparent cause of the death shall be recorded.

Exact measurements must be given and vague expressions should be avoided.