

INVESTIGATION OF HOMICIDE

1. 'Homicide' means killing of a human-being by a human-being. It is either (A) Lawful or (B) Unlawful.

(A) Lawful Homicide includes cases falling under the General Exceptions (Sec.76 to 92 and 100 IPC).

(B) Unlawful Homicide includes:

- i) Culpable homicide not amounting to murder (Sec.299)
- ii) Murder (Sec.300)

Causing death of a child in the mother's womb is not a homicide but it is a case of criminal abortion or miscarriage.

In case of discovery of a dead body of a new born child which appears to be a case of murder, M.O. to be consulted for opinion whether the child was still born or born alive.

- iii) Rash and negligence homicide (Sec.304-A) and
- iv) Abetment of suicide (305 and 306 IPC)

2. Importance of homicide cases – reasons:

- (i) It surpasses all other crimes in the finality of its impact. It deprives the victim of that thing which cannot be replaced.
- (ii) It casts a very high responsibility on the Investigating Officer because he steps in the shoes of the dead-man to protect his interest against everyone in the world.
- (iii) Any mistake committed by the I.O. at any stage of the investigation cannot be corrected and further work in the case however well done may be of no avail.

3. Fallacies about murder cases:

There cannot be a perfect murder.

- (i) Any crime is perfect if the perpetrator remains unpunished.
- (ii) The volume of unsolved murder cases also indicates the fallacy.

4. Various ways of murder:

- a) Poisoning (b) Starvation (c) Striking (d) Drowning (e) Shooting
- f) Stabbing (g) Explosion (h) Strangulation (i) Arson
- j) Electrocution (k) Administering germs or virus of a deadly disease, etc.

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5. Aim in Investigation:

To establish the following:

- i) Who? (identity of the criminal and of the victim in some cases).

- ii) What? (What is the nature of the crime and what has been done).
- iii) When? (The time of occurrence)
- iv) Where? (Place of occurrence)
- v) How? (Method of committing the crime and the attending circumstances)
- vi) Why? (Motivation for the crime)
- vii) Who knows? (Who are the witnesses?)

6. Investigation – General rules of procedure:

(a) At Police Station – Recording of F.I.R.

Procedure of recording FIR – When the perpetrator himself lodges information – different courses:

- i) Recording information by the S.H.O. suo moto
- ii) Recording information in station diary and obtaining information at the place of occurrence by a witness.
- iii) Recording FIR on the statement of the accused himself.

The last course mentioned is the best.

(b) Discover of the dead body

The questions that arise are whether death is due to:

- (i) natural cause (ii) suicide (iii) accident (iv) homicide.

The I.O. cannot possibly foresee the future development of the case. Therefore, he will have to adhere to a rigid routine in examination, embracing all possibilities.

(c) On arrival at the scene

- i) The first duty is to ascertain if death has taken place.
- ii) To preserve the scene and to protect it from interference.
- iii) Describing the scene: Description of the dead body and the immediate surrounding to be done without moving the dead body, touching or changing anything. Description includes sex, appearance, age, general description of the build, color of hair and finally evidence of injury, marks of violence, blood, etc. If there is a fire arm, its caliber, make and type to be determined. Search to be made for bullet holes in the walls, ceiling or furniture for fired shells or other weapons of violence. If there is a possibility of poison having been administered, search for all tumblers, bottles,
- iv) medicine cabinets, shelf, almirahs, dressing table, bathroom, kitchen, places for keeping fuel, and all other likely places. [Top](#) [Next](#)

Description must be detailed and exhaustive. It should be recorded immediately.

Reasons: a) Recording description at the scene guarantees accuracy and makes the investigator's later testimony in court more effective.

- b) If the IO defers the recording to a later stage, he is apt to have formed a theory about the occurrence at the stage and will be subject to human tendency to emphasize these observations which fit into his theory and minimize those which are incompatible to his theory. In the result, quite unconsciously he may record a description of what he actually saw.
- v) Sketching the scene: The plan should be according to scale and should show all relevant features.
- vi) Photographing the scene: Photography in homicide cases must be done by a skilled and experienced photographer. Photograph to be taken of the dead body and the scene from every conceivable angle.
- vii) Errors to be avoided:
- a) Do not allow fingerprints to be taken unless photograph is taken.
 - b) Do not allow furniture or other articles to be dusted for fingerprints until photographs have been taken and body removed.
 - c) Do not smoke nor allow others to smoke in the room or vicinity of the body.
 - d) Do not express a theory to newspaper reporters as to what happened and who is guilty. This may often bring in complications.
- viii) The golden rule in inspection of scene:

NEVER TOUCH, CHANGE OR ALTER ANYTHING UNTIL IDENTIFIED, MEASURED AND PHOTOGRAPHED. REMEMBER THAT WHEN A BODY OR AN ARTICLE HAS BEEN MOVED, IT CAN NEVER BE RESTORED TO ITS ORIGINAL POSITION.

7. Disposal and discovery of murdered bodies:

Various ways of disposal:

- i) Excessive mutilation of the body and disposal of the dismembered parts at scattered places.
 - ii) Cremation
 - iii) Dumping into a river or lake or sea.
 - iv) Burial. This is the most common method of disposal of murdered bodies on account of belief in its silent and secret nature of disposal. Very rarely a murdered body is buried in a public graveyard or burial ground on account of the grave risk of detection.
- (a) Disinterring dead bodies in such cases:
- i) Excavate much larger area than the original suspected grave.
 - ii) After the body located, further digging above or in close proximity of the body must be abandoned.

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- iii) Remove the earth around the body until the excavation is well below the area where the body is resting, leaving the corpse on a pedestal or earth.
- iv) Proceed to remove carefully the earth close to the body by means of a towel, kitchen spoon or preferably with the bare hands.

If a corpse is buried for a considerable time, it is difficult to establish the cause of death. If during the process of disinterring the body any instrument like pick or spade, etc. is plunged into it, the determination of the cause of the death may be rendered more difficult.

Cremation if complete, diminishes the prospect of further scientific work on the body. However, the charred bones or remains, ashes, if available should be collected for scientific work to determine the cause of death.

(b) Exhumation of the corpse from public burial ground or graveyard:

- i) Authority for exhumation must be obtained from the Magistrate u/s 176 (2) Cr.P.C.
- ii) Identification of the corpse as in every other cases of murdered bodies must be established.
- iii) Inscription borne on the name plate on the casket, location of the burial plot and the grave number should be duly recorded as aids to identification.
- iv) Burial records should be verified from the records of the burial ground.
- v) When features are recognizable, the body must be identified by person or persons who knew the deceased during life.
- vi) The other usual steps for identification viz., photographs, finger prints, dental charts, length and weight of the deceased are to be taken as additional important identifying point, if such steps are possible.
- vii) Clothes to be examined for maker's label, laundry marks, etc.
- viii) Time for exhumation should be early hours of the morning.

8. Autopsy: The real beginning of homicide investigation is to determine the cause of death. The autopsy surgeon should also rule out any other possible cause or contributing factors to the death.

What causes to be autopsied: In any death caused by violence, autopsy should be done unless there is adequate proof at hand that death was due to suicide. Death by suicide with no suicide note should be regarded with suspicion and must be autopsied.

9. Estimating time of death: One of the first steps in homicide investigation is to determine the time of death. Changes in the dead body that can give information in this regard are:

- i) Temperature and rate of cooling
- ii) Post-mortem lividity
- iii) Rigor Mortis
- iv) Putrefaction.

These changes can provide information regarding:

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- a) Time of death
- b) Alteration in the position of the body after death.

10. Indicative Acts: Certain activities present at the scene may indicate presence of the deceased and establish the time till which he was alive.

- i) Lights: The fact that the lights in a house are on or off will suggest whether the crime occurred during day or night.
- ii) Collections: Milk, mail and newspapers collected or not collected from their usual places will indicate the time when the deceased was alive or not.
- iii) Preparation: Meals prepared or eaten will indicate the lapse of the time interval. Presence of undigested food in the stomach, condition of bowels, condition of bladder, dress worn, shining of shoes, brushing of teeth, bathing and other customary acts not performed or performed may be related to a definite time with the personal habits of the deceased.
- iv) Correlation of other events with death: Independent events which affect the crime scene can be used to set certain time limits to the time lapse since death.

11. Employment of Police Dogs: If circumstances indicate employment of police dogs, cover all traces or articles and keep unnecessary persons away till the arrival of the dogs.

12. Examination of blood:

- i) Blood is cogent sign of violence. The three important questions which confront the I.O. are:
 - a) Is it blood at all?
 - b) If blood, whether animal or human origin?
 - c) If human blood, to which of the four groups – O, AB, A and B – of human blood it belongs?
- ii) Amount of blood near the body: When a body is found with wounds indicating that much blood has been lost, but the amount of blood near the body appears less than what one would normally expect to find, the logical deduction will be that the crime was committed elsewhere. In such cases, look for drag marks, tyre marks, foot prints, etc.

Quantity of blood present around a body may indicate as to how long life existed after the assault.

- iii) Estimating age and blood stain: This is determined by the amount of coagulation, drying and change in color that has taken place. The following points to be considered.
 - a) Is it bright red, or is it brown or black?
 - b) Is the blood still moist or is it dry around the edges, or is it entirely dry?
 - c) If the blood is still liquid, will a pencil which is drawn through it leave a mark or will the blood cover up the track of the pencil as it is drawn through?

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.Blood from artery is bright red while blood from the veins is comparatively darker in color.

If there is enough blood to puddle, then after three to five minutes, the blood begins to clot and after the clot is formed, it becomes solid. As it continues to dry it gets darker in color until at the time it is completely dry. In general, the older the blood stains are, the blacker they become.

- iv) Direction of blood: When small drops of blood strike a surface at an angle, it may indicate the direction. The largest drop is made first and the smaller one afterwards in a trail.

13. Establishing identity of the deceased when he is unknown:

- a) Victim's belongings to be searched for articles like diaries, pocket books, letters, counterfoils of cheques, etc.
- b) Photographs - full face and profile – for circulation
- c) Finger Prints
- d) Personal Description
- e) Clothing's - to be examined for laundry of dhobi marks & tailor's label.
- f) Conformation of teeth – Dentist's record may be helpful.
- g) Publication – by radio, press and Police Channels.
- h) Bones and Skeletons – Sex and age may be determined by expert. Any fracture or malformation of bones is likely to be of the help. If the skull is available, it can be made identifiable by superimposition of the photograph of the suspected deceased.

14. Motivation: Motive can be classified under: (a) Gain, (b) Vengeance, (c) Sex, (d) Political murders, etc.

Conduct of both deceased and perpetrator before the crime and of perpetrator after the crime and the attendant circumstances of the crime may indicate motive.

Although motivation of murder is not required to be established, but for obvious reasons, if motive can be proved, evidence becomes much stronger.

Besides, absence of motive is a circumstance to the favour of the accused and strengthens the presumption of innocence of the accused. It also helps in determining the culprit responsible.

15. Corpus Delicti: Ordinarily, examination of the dead body by the autopsy Surgeon is necessary in cases of homicide but if the circumstances are too strong to preclude such a necessity, absence will not be a bar to prosecution.

16. Simulation: Sometimes investigator faces the problem of deciding whether a person died from accident or suicide or whether he was murdered. Circumstances may be created by the offender to simulate the cause of death as different from actually what happened. The investigator should find answer to the following questions:

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- a) What was the cause of the death?
- b) Could the deceased himself have produced the injuries?
- c) Are there any signs of struggle on the body and in the surroundings.
- d) Condition of hair and dress to be examined.
- e) Where is the weapon of offence? Is there anything sticking to it?
- f) How far is the weapon from the deceased?
- g) With a wound of great extent and fatality would the deceased have thrown the weapon to such a distance?

The investigator will also look for marks of struggle in the scene; if indoors, look for disturbance of furniture or other objects like table lamp, flower vase, broken glass, blood, etc. If outdoor, indication of disturbed soil and vegetation, trampled over plants, blood, more than one set of foot prints or one set of foot prints but not of the deceased. In all cases of suicide, absence of suicide note should always be looked upon with gravest suspicion unless circumstances give an adequate explanation. Suicide note to be verified by independent evidence.

- (i) Death by drowning: Presumption is in favour of accident mostly and also suicide. In homicidal drowning, the victims are generally children and infants. Accidental drowning victims mostly non-swimmers but in rare cases swimmers also trying to save non-swimmers.
- (ii) Death by hanging or strangulation: In hanging, the presumption is always in favour of suicide. It is not at all necessary for the body to be fully suspended in the air in suicidal hanging. There may be suicidal hanging in kneeling, sitting and even lying position. In homicidal hanging, there may be marks of struggle and presence of injuries other than self-inflicted, such as bruises on outer sides of both arms, or on the thigh made in lifting the person from the ground or the victim may be dragged and then hanged. A determined suicide often inflicts injuries on himself or swallows poison to kill himself but failing or finding delay ultimately hangs himself.

To simulate death by suicidal hanging a body may be suspended after death by dragging or other means. Homicidal strangulation is common, suicidal and accidental being very rare, the signs of struggle and violence will be evidence on other parts of the body. As a murderer uses more violence than is necessary to kill, greater local injuries are found in cases of homicidal strangulation.

Look for the knots in the ligature. One knot may indicate suicide or homicide, two knots suggestive of homicide, three or more definitely of homicide.

- (iii) Homicidal strangulation simulating suicide hanging: In such cases two ligature marks would be found, one at the lower part – transverse, complete and continuous and another at the upper part – oblique and non-continuous. If in a case of suicidal hanging two turns in the ligature are given, it may simulate a picture like above, but in this case the marks would be continuous

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- (iv) with each other while in the above case, the marks will be separate and distant from each other.

The examination of the rope used may reveal most important information. The fibres of the rope will lie in the opposite direction to that of the pulling. If a person slides down a rope, fibres will be directed downwards. If what appears to be a voluntary strangulation is in fact murder and the murderer has pulled the body up, the fibres will be directed upward on that part of the rope which was pulled by the murderer because of the contact of the rope with the sub-structure. A dead person is a very heavy and limp mass, hence it is difficult to raise the body and put the head in the nose. Experience shows that the murderer will in some cases cast the rope over the branch of a tree, for instance, put the sling over the head of the body and proceed to pull it up. On the other hand, if fibres of the rope maintain their normal direction, this is no proof of suicide, because the murderer may have raised the body and put the head in the sling. The knots on the rope may give valuable information and should not be united when removing the body.

- (v) Poisoning: It may be used both for murder and suicide and may also be accidental. Poison if not administered surreptitiously will involve force. In such cases local injury may be expected.
- (vi) Homicide by other causes simulating as death due to accidental fire: If the body is not completely burnt out, marks of injuries may be found and medico-legal expert may possibly ascertain whether death preceded the fire by examining the wind pipe into which spot particles will not enter if the person was dead before the fire.

PROSPECTS OF DETECTION IN HOMICIDE CASES DEPENDS ON PROMPT ARRIVAL AT THE SCENE, CAREFUL EXAMINATION OF THE SCENE, KEEN OBSERVATION, CLEAR ASSESSMENT OF CIRCUMSTANCES, INTERROGATION OF WITNESSES AND SUSPECT, COLLECTION OF PHYSICAL EVIDENCE AND CONTROLS FOR EXPERT EXAMINATION, LOGICAL DEDUCTIONS PROMPTLY MADE FROM ALL LEADS FROM EVERY PHASE OF INVESTIGATION.

17. Factors facilitating detection in homicide cases:

- a) Prompt arrival at the scene.
- b) Careful examination of the scene
- c) Keen observation for he traces
- d) Clear assessment of the circumstances
- e) Intelligent examination of witnesses
- f) Collection of physical evidence and controls for expert examination.
- g) Collection of criminal intelligence
- h) Effective interrogation of suspect
- i) Logical deductions promptly made from all leads from every phase of investigation.

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