



“बेटी बचाओ, बेटी पढ़ाओ”

JAYOTI VIDYAPEETH WOMEN'S UNIVERSITY, JAIPUR

FACULTY OF HOMOEOPATHIC SCIENCE

Name of Faculty : JV'n Dr Richa Sharma, Asst. Prof.
(Deptt. Of FMT)

Program : BHMS II Year

Course Name : FORENSIC MEDICINE AND TOXICOLOGY

Session No. & Name : LEGAL PROCEDURE OF FORENSIC MEDICINE

Program Outcome-

- The important objective of the BHMS course is to impart thorough and comprehensive training to the candidate in various aspects of homoeopathy during completion of course students shall be able to perform with proper skill and knowledge of homoeopathy

Course Outcome-

- Able to understand the basic concept of the subject and its importance.
- Aware of inquest, legal and court procedures applicable to medico-legal and medical practice, code of ethics, duties and rights of medical practitioner, duties towards patients and community, punishment on violation of code of ethics, various forms of medical negligence, medico legal post-mortem.
- To understand the relationship of Forensic Medicine & Toxicology with other Homoeopathic subjects like Homoeopathic Pharmacy, Homoeopathic Materia Medica, Organon of Medicine and

Homoeopathic Philosophy & Psychology, along with allied subjects like Anatomy, Physiology, Surgery, Obstetrics & Gynaecology, Practice of Medicine due to integrated way of teaching the subject.

LEGAL PROCEDURE

Indian Penal Code- (IPC) 1860 : It deals with substantive criminal law of India. It defines offences and prescribes punishments.

Criminal procedure code (Cr PC) 1973 : It deals with Procedure of investigation and criminal proceedings. It provides mechanism of punishment of offences against the substantive criminal law.

Indian Evidence Act (IEA) 1872 : It deals with Different category of evidences. Procedure of collection of evidences. Preservation and use of different evidences. It is common to both civil and criminal procedure

Criminal Law : Deals with offences which are against the public interest. Here state is one party represented by public prosecutor and accused is other party.

Civil Law: Deals with disputes between two individuals or parties. One party in civil case is known as “plaintiff”. Other party or Accused in both civil and criminal cases is known as defendant”.

Inquest- It is an inquiry or investigation into cause of death.

Types:

- Police inquest- (Cr PC 174): By police officer usually sub inspector. (Cr PC 175): Investigating officer in presence of two local persons known as panchas makes an investigation at the place where body is found.
- Magistrate inquest - (Cr PC 176) : Conducted by magistrate (DM, SDM, Tahsildar) or by any magistrate empowered by state government (Executive Magistrate)

Conditions for Magistrate Inquest Death in police custody

- Death due to police firing
- Death in prison , reformatories, Borstal school
- Death in psychiatric hospital
- Dowry death (within 7 years of marriage)
- Exhumation
- Any person dies or disappears or rape in custody of police or in any other custody authorised by court

Coroner Inquest- Conducted in US. not prevalent in India. abolished from Kolkata since 1978 and from Mumbai in 1999. coroner conducts investigation in all suspected and unnatural deaths.

Courts of Law:

Two types :

1. Civil Court :
2. Criminal Court: Criminal courts are of four types:
 - Supreme court
 - High court
 - Session court
 - Magistrate courts

Juvenile Courts: Based on the fact that the children differ from adults in mentality. They try offences committed by juveniles(age below 18 years). Juvenile court is usually presided by woman magistrate

Offences: means any act or omission made punishable by law.

Types :

- Bailable
- Non-bailable

- Cognisable
- Non-cognisable

Cognisable Offence : It is an offence in which the police officer can arrest a person without the warrant from the magistrate. The person is sent to doctor for medical examination.

Non-cognisable: offences the injured person may go directly to the doctor or he may file an affidavit in the court of magistrate who will send him to the doctor for examination and report

Magistrates and their Powers

1. Chief Judicial Magistrate: Imprisonment up to 7 years and unlimited fine
2. 1st Class Judicial Magistrate : 3years and 10,000 rs
3. 2nd Class Judicial Magistrate : 1year and 5000 rs

Punishments

- Death
- Imprisonment for life
- Imprisonment : Rigorous
 - : Solitary confinement
 - : Simple
- Forfeiture of property
- Fine

Textbook of Forensic medicine and Toxicology by Dr. K.S. Narayan Reddy
 Suggestions to secure good marks to answer in exam Explain answer with key point answers

- Questions to check understanding level of students-
 1. What are the different law for legal medical procedures?
 2. Write the explanation about Magistrate power?