

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



LEARNING OBJECTIVES

- Define hurt, wound and injury.
- Describe types of hurt according to Qisas and Diyat act.
- Explain Punishment (Tazir), compensation, and fine.

HURT (SECTION 332)

- Hurt in law means causing of pain, harm disease, infirmity, injury or impairing, disabling dismembering any organ of the body or part thereof without causing death.


There are two classifications of hurts and they are based on:

- The part of body involved
- The manner of infliction of hurt

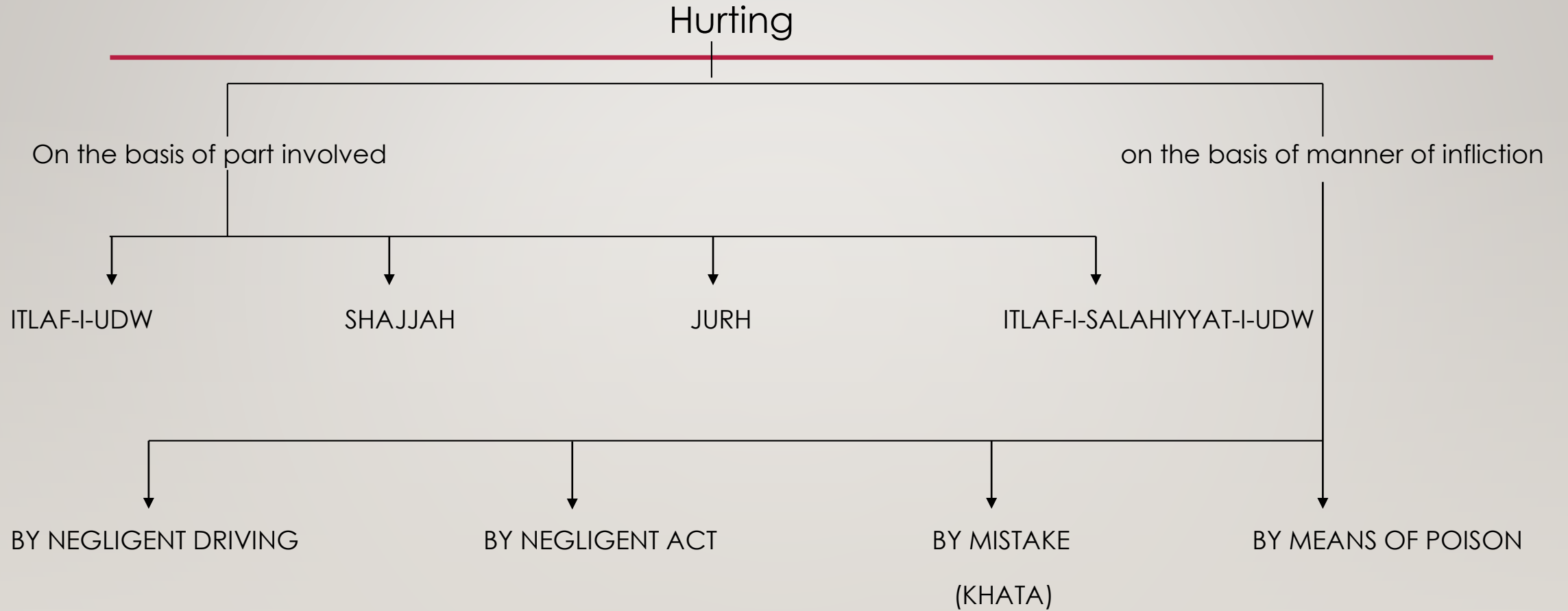
INJURY:

- Any harm whatsoever in nature, caused illegally to the body, mind, reputation or property.

WOUND:

- Breach or dissolution of the natural continuity of any of the tissues of a living body by actual physical violence.
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HURTING



CLASSIFICATION OF HURT ON THE BASIS OF PART OF BODY INVOLVED

Type	First subtype	Second subtype	extent of damage
Itlaf-i-Udw (333)			Causing of dismemberment amputation severe meant of any limb or organ of the body.
Itlaf-i-salahiyat-i-Udw (335)			Destroying or permanently impairing the function or capacity of an organ of the body or causing disfigurement.

Type	First subtype	second subtype	extent of damage
Shajjah (337)			heart on the head or face which does not amount to itlaf-i-udw or itlaf-i-salahiyat-i-udw
	Shajjah-i-khafifa		Hurt without exposing of bone
	Shajjah-i-mudihah		exposing of bone without its fracture
	Shajjah-i-hashimah		fracturing of bone without displacement
	Shajjah-i-munaqqilah		fracturing of bone with displacement
	Shajjah-i-ammah		fracturing of bone and the wound touching the membranes of brain
	Shajjah-i-damighah		fracturing of bone with rupturing of membrane

Type	first subtype	second subtype	extent of damage
Jurh ((337 B)			Hurt on parts of the body other than the head and face bearing mark of which may be temporary or permanent
	Jaifah (337 C)		Wound extending to the body cavity or trunk
	Ghayr jaifah (337 E)		Jurh not amounting to jaifah
		Damiyah	rupturing of the skin with bleeding
		Badiyah	cutting off flesh without exposing the bone
		Mutalahimah	lacerating of flesh
		Mudiah	exposing of bone
		Hashimah	fracturing of bone without displacing it
		Munaqqilah	fracturing of bone with its displacement

TAZIR

- Refers to punishment for offenses at the discretion of the judge (Qadi) or ruler of the state.

- **COMPENSATION**
- Something, typically money, awarded to someone in recognition of loss, suffering, or injury.
- **FINE**
- A fine is a penalty that requires the convicted person, to pay to the public treasure. A sum of money fixed by law after an offense has been committed.

FORENSIC MEDICAL EXAMINATION

- Forensic medical examination also called medicolegal examination, is the type of medical examination which is performed for the purpose of law both civil and criminal.
- This medical examination is a highly technical job and helps law courts resolve conflicts amongst individuals, compensate sufferers or punish aggressor.
- These examinations comprise mainly cases of victims of:
 - Physical and sexual assaults,
 - Intoxication and
 - Accidental trauma

REQUIREMENTS OF MEDICOLEGAL CLINIC

- Reception, registration and secretarial office.
- Appropriate number of clinical examination rooms.
- X-ray examination arrangements.
- Stores for containers.
- Medical record room.
- Toilets, both private and public.

Type of examination	Equipment
General clinical examination implements	Stethoscope, blood pressure apparatus, ophthalmoscope, tongue depressor, clinical thermometer, weighing machine, heightmeter, hammer, measuring tape and torch
Physical assault cases examination implements	Magnifying lens, steel measuring ruler, measuring tape, blunt graduated probe and various surgical dressings
Sexual assault cases examination implements	disposable gloves, vaginal speculum, proctoscope, applicators, Glaister keen Glass rods, pair of tweezers, glass slides, glass test tubes add glass containers
Intoxication cases examination implements	Torch, examination hammer, sharp and blunt needles, letting go scope, special instruments End containers for stomach wash, blood, during
Radiological equipment	X-ray machine(portable and fixed), X-ray films, lead markers, X-ray hangers, automatic X-ray processor, X-ray illuminators
Miscellaneous group	medical performas for various medical certificates, labels and other reference slips, markers of different colors, scissors, matchbox, envelops, glue and essentials like sealing implements

OBJECTIVES OF FORENSIC MEDICAL EXAMINATION

- Type extent, cause and duration of physical violence.
- Type of sexual assault and extent of damage whether physical or psychological.
- Incapacitation.
- Fitness for jobs like driving and police service.
- Age of schooling, service, marriage, election candidature, voting and capital punishment.

PRELIMINARIES OF FORENSIC MEDICAL EXAMINATION

- Authorization
- Fee and cost
- Consent

PROTOCOL OF FORENSIC MEDICAL EXAMINATION

Stages of forensic medical examination

- Pre examination formalities
- Establishment of personal identity of the examinee
- Physical examination of clothes
- Physical examination of body
- Clinical investigations
- Collection of specimens for laboratory examination
- Formulation of opinion
- Documentation of certification

PRE EXAMINATION FORMALITIES

- Notes about allegation or history of occupation
- Particulars of sponsoring agency
- Purpose of examination
- Bio data of examinee
- Date time and place of examination
- Consent of the victim

ESTABLISHMENT OF IDENTITY

Usually verified from

- National identity card of the examinee.
- Third party accompanying the examinee.
- Two permanent identity marks on the body of the examinee.

PHYSICAL EXAMINATION OF THE CLOTHES

- To locate foreign material present on them such as stain, hair or fiber.
- Evidence should be sort both with the naked eye as well as with the help of a magnifying lens.
- Any damage or cut in clothes being an important finding, its position and relationship to the injury should be noted. All stains or damaged portions are encircled, signed with the marker and photographed before clothes are handed over to police.

PHYSICAL EXAMINATION OF THE BODY

- Determination of physical state.
- Determination of mental state.
- Systemic examination.
- Local examination of the part.

LOCAL EXAMINATION OF THE PART

- Local examination of the part bearing wound includes strategies of inspection and palpation of the part.
- Clinical investigations.
- Collection of any evidence present in the wound. (Specimen collection)

- Examination is done both with the naked eye and with the help of a magnifying lens, for the following aspects of the injury:
 - Site
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- Shape
 - Size
 - Direction of the wound
 - Characters of the margins walls and bed of the wound
 - Foreign material in the wound
 - Direction of flow of bleeding on the clothes or the body of the victim
 - Inflammatory reaction and its extent.



COLLECTION OF SPECIMEN

- The persons possessing the evidence performed the chain of custody and a short chain is preferable. all are required to certify the extent of handling. The evidential material should be handed over only after obtaining a receipt.

Instructions for collection of specimens:

- General instructions
- Special instructions

GENERAL INSTRUCTIONS

- The source of his specimens should be beyond doubt.
- The authorized staff should only collect the specimens.
- After collection, the specimens should be stored in a freezer still processing.
- The container of the specimen should be impervious clean and free from contamination.
- The size of the container should be adequate in relation to specimen.
- The mouth of container should be appropriately wide to admit the specimen.

- The stopper of container should be screwed up to avoid leakage.
- Every container should be a label add the following entries:

Name of the specimen

From whom and from where collected


Type of examination required

Name and designation of person who collected specimen

Date and place of collection

- The specimen should be sealed properly before dispatch.
- A forwarding letter containing the request of examination required in the laboratory should be sent along with the specimens.

- If the samples are more than one, then each specimen should be identified with an identity number and the schedule showing identity numbers allotted to each specimen should be enclosed with the forwarding letter.
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- The transportation of specimens to the laboratory should be done through the police official constable for the investigation of the case.
 - If the specimens are to be sent by post or rail, they should be by either registered or sent through prepaid railway parcel.
 - At the time of receipt of samples in the laboratory, it should be insured that the seals are intact and the related papers are complete in all respects.
 - The analyst should sign the register to maintain the chain of custody.
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- The registration of container or the sample should be done with the following entries:

Serial number of the year

Date of receipt of sample

Bio data of the victim

Date of medicolegal or autopsy examination

Number and the name of sample

Place from where dispatched



Collection of DNA, Blood, Saliva and Semen



EXAMINATION OF BODY OPENINGS

- Inspection
- Bilateral traction
- Digital examination
- Instrumental examination

CLINICAL INVESTIGATIONS

- X-ray examination
- ECG
- Ultrasonography
- Laboratory investigations

FORMULATION OF OPINION

The conclusion should contain comments about:

- The nature of the causative agent.
- Time since injury..
- Gravity of damage.
- If possible, manner of injury.

DOCUMENTATION AND CERTIFICATION

- Documentation of findings is mandatory.
- All the findings should be documented as written record, sketches, and photographs
- Besides the findings observed, it should include results of investigations.
- Forensic medical certificate is prepared in triplicate on specific performa depending upon the type of the case, by the medical practitioner in his own handwriting and signed.



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