

An Opinion based on the Autopsy Report on the Manner of Death by a Gunshot Injury: Concealed Murder or Accidental

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Background: Most of the forensic pathologist limited themselves to give a cause of death in a case of firearm death without taking any history. It neither help to the next of kin nor were the judiciary, as a result of it the chances of misdirected investigation are high, and therefore miscarried justice also high.

Objective: To high light the manner of death in a case of gunshot injury.

Method: A post mortem report and a brief history provided by a private agency to give an opinion on the manner of death.

Case history: Mr. A was died in a pistol gunshot injury by his colleague while on duty. The case history narrated that the gun was accidentally fired during unloading by Mr. O. The intention of firing has to be determined. The cause of death was given by pathologist but no opinion on manner of death which was crucial to give in this case. The history, findings of postmortem report and manner of death has discussed in this report.

Conclusion: The manner of death is a concealed murder, warrants an investigation by a higher investigative agency such as Central Bauru of Investigation.

Keywords: *gunshot, accidental, intentional, death*

Introduction

Police officers, politicians and criminal nexus in India are known to everyone. Politician-police-criminal nexus flourishes because politicians decide on posting of officers at police stations.¹ (Opinion. Times of India 2020). There are a lot of reports where police officer were get killed by gangs, drug and sand mafia. Sometimes, honest police officer get killed because he is honest, and doing his duty honestly.¹ In 2016, 251,000 deaths resulted from firearms injuries worldwide without any war.² Firearm injuries account for the most homicides in the United States of America, with 46 deaths every day.³ Some studies showed over 90 deaths every day caused by gunshot-related injuries.⁴ Almost two-thirds of these deaths (59%) resulted from homicide, with just over a third (35%) as a result of suicide.⁵

After thorough search on literature the author could not find any literature where some has died as a result of fire during unloading the pistol. There are cases of

homicide and suicide by gunshot injury but could not find an accidental fire during loading and unloading of pistol. The purpose of this case report is to high light the problem of fallacious misconception of accidental firing and death of another police officer during unloading of a gun.

Method

A post mortem report is submitted to give opinion on the manner of death. A brief history is also provided by a private agency. A team of police officer was chasing mafia who use to sell opium. These mafias are very hard core and also have some liaison with police officer who protects them. Mr. SI was a leader of team accompanied with three police man and a commando police (CP) officer who were chasing these criminals. While returning back, car tyre was punctured in a village where they stopped. The CCTV footage was provided where initial allegation of CP of killed himself was clearly denied. The SI fired from his pistol to CP, where

he is mentioned that the fire was an accidental during unloading of a pistol. CP was died on the way to Jodhpur city in India which was about 150 kms from the incident. The commando died on their way to hospital which took about 5 hours to reach in Jodhpur,

Discussion

It is unfortunate that such type of a death of a police officer is investigated by another police officer. It is very well known that there is always nexus between police and criminals. It is just like a team of soccer who is having their own player and also referees. This kind of team is certainly going to win. An appointed investigating officer must not be a member of this team, to protect the justice system, therefore this case must be handover to CBI. This is a perfect case to be investigated by a Central Bureau of investigation (CBI) to give a clear picture of death, so that an appropriate punishment to be given to the culprit. What a paradox in an Indian judicial system where a suicide by a film star is pushing towards murder and a clear cut murder is putting under accidental. Moreover a prime facie case of murder of a commando is not order for investigation by a police whereas a clear cut suicide is under investigation by a CBI. The Commando who was killed by a fellow police officer, suppose to investigate by a CBI.

A lousy postmortem was conducted in a hospital where they could not even solve the problem of deceased. What is the purpose of autopsy? It is not just dissection of a body and write a finding copied from a text book but one has to assertive in giving opinion related with each and every case. Here in this autopsy report, nowhere is try to answer the manner of death which was crucial to answer by forensic pathologist in this case. Unfortunate part in Indian legal system is that there is lack of accountability. Forensic pathologist has conducted an autopsy without any direction given by the investigating officer, and judicial officer accepted as such without any applying their mind. Here are few comments on the autopsy report

1. The author is having problem with this post mortem report as it is written by hand. At page 2. Entry wound the measurement is given in $3/4 \times 1/4$ x cavity deep and at the same time the examiner is writing it is circular in shape. How it can be? It is surrounded by circular ring of grease collar (inner), and abrasion, reddish (outer).

How could he see the grease collar? No blackening, burning, tattooing present on body. Has he not examined the clothes? Have this examiner seen this grease collar or writing as some forensic book are traditionally writing in describing the wound.

2. In describing exit wound on the same page, $2 \times 1\frac{1}{4}$ cm x cavity deep. Exit wound is present on posterior chest wall between both scapula, 19 cm below nape of neck, 11 cm from both scapulas. It means the exit wound is in middle of both scapulae. The examiner is showed in sketch diagram that the wound is more on the left side and also describe on left side wound of track. It is surprising that the examiner has written the protrusion of fat and muscle tissue is present from the exit wound which is not visible in photograph. Author would like to ask the examiner, from which book he is coping these findings?

3. On the same page, the entry wound is 22 cms from right shoulder and 15 cms above right nipple is very vague way of providing a location of a wound. It is rather useful to give from midline. A track was established between entry and exit wound on dissection. It passed from first inter costal space, and immediately reach to upper lobe of right lung (entry $\frac{3}{4} \times 1\frac{1}{4}$ cm), then passes right lung ($1 \times 1\frac{1}{2}$ cm), then passes through right 4th intercostals space to outside, left posteriorly. The measure the wound on lung is just impossible as it is get collapsed. How could he measure it?

4. Injured right clavicle, 2nd rib, 4th rib (posterior), and thoracic vertebrae T4/T5 are fractured. About 1200 ml clotted blood in right pleural cavity. All have written without any photographs.

The Gunshot entry wound on the right side upper part of the chest which is passing through intercostals muscle, and puncturing right upper lobe of right lung, and then bullet coming out from left of back of the chest. The direction of the wound is above downwardly, backwardly from right to left indicating that SI was standing in front of CP at a height than CP.

The author has gone through post mortem report and a brief history. Based on the facts submitted in post mortem report, it is a clear cut case of murder without any doubt. The probability of accidental firing has ruled out by the facts that

1. The entry gunshot wound is on the top of the trunk, which is most unlikely can happened in case of accidental unloading of a weapon.

2. The direction of the entry wound is from right to left, above downwardly and backwardly, again indicated that the accidental firing is not possible during unloading of a gun.

3. The position of assailant and victim. The victim is a little lower level than assailant as per looking the direction of the wound, which is very unlikely, that it could be happen during unloading of a gun.

4. It is discussed with several police officers the process of unloading and accidental firing and their comments were totally denying the fact of accidental firing. During training of a police officer, they use to teach how to load and unload a gun, and what are standard operating procedures?

5. The victim was collapse on the way to hospital, about 150 kms from the site of happening which is again suspecting some ulterior motive officer a police officer. He could have taken to nearby district hospital, and can get manage an emergency, but assailant did not seek that necessary.

Pistol has 12 cartridges in the magazine. During the loading of the Pistol, the magazine is taken out from the Pistol and cartridges are inserted inside the magazine and then again inserted inside the Pistol in the space provided in the back of the Pistol. The Pistol cannot fire during the loading as the firing with the Pistol requires pulling back the slide to cock the Pistol and some force is required to pull back the slide. If the magazine loaded with the cartridges is already in, the slide is pulled back to make it cock ready for fire. As for unloading, there is a button which is pressed to release the magazine and after that the magazine is pulled out. There is no chance of fire because trigger cannot be pushed in this process. The Pistol can fire only when deliberately the slide is pulled back for the purpose of fire otherwise there is no chance of fire during loading or unloading. If the person deliberately fires, it is murder if person intended is killed

and if a person is killed by negligence, it is a separate offence under IPC. Homicide is another condition in which a person is killed when intended action was not to kill which is not applicable in this case. It is a pure case of murder. Where and with whom this has happened.

Conclusion

This is a case of a concealed murder. The victim was only taken to hospital after death. The evidence of the site and direction of firing are also very strong evidence in favour of murder, where to convert impossibility to possibility is not possible. It is fallacious assumptions that it is an accidental firing during unloading process. It deserves to get investigated by CBI so that this concealment of crime could not be successful.

Ethical issue: The names of all the cases were kept anonymous and not divulge to anyone.

Conflict of Interest: None

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