

HUMANITY IN DANGER – A case report.

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Abstract: According to the police inquest, deceased, a 4-year-old female child, fell down accidentally from stairs on 19/12/2022 at around 02:00 am, cried and slept, next day morning when her father tried to wake her up she didn't wake up and not even responded. Patient was admitted in Osmania general hospital in due course of treatment, patient was declared dead on 21st December 2022. On postmortem examination, there were multiple patterned contusions which were suggestive of teeth bite marks over face, upper limbs. Multiple contusions and abrasions present over face, neck, back of chest and front of both the thighs. All the injuries were of different ages. Internally, contusion noted over inner surface of scalp and subdural hematoma present on opening the skull vault. Contusions noted over retroperitoneal tissue and fundus of uterus. Abnormal dilatation of vagina and anus were noted along with abrasions of various ages present inside the vaginal and anal introitus. Hymenal tear was also noted. Swabs from vaginal and anal introitus preserved for DNA analysis turned out to be negative. Cause of death was given as 'HEAD INJURY AND ITS COMPLICATIONS WITH SIGNS SUGGESTIVE OF REPETITIVE FORCEFUL PENETRATION OF VAGINA AND ANUS'.

Keywords: Patterned contusions, contusions, linear abrasions, subdural hematoma, Hymenal tears and anal orifice lax with multiple tears and fissures.

Introduction:

- SECTION 45 OF INDIAN EVIDENCE ACT-1872 states that, *A MEDICAL WITNESS IS NEITHER A PROSECUTION WITNESS NOR A DEFENCE WITNESS, BUT ONLY AN EXPERT WITNESS* ^[1].
- UPDATED LEGAL DEFINITION OF RAPE - *THE PENETRATION, NO MATTER HOW SLIGHT OF THE VAGINA OR ANUS WITH ANY BODY PART OR OBJECT OR ORAL PENETRATION BY A SEX ORGAN OF ANOTHER PERSON WITHOUT THE CONSENT OF THE VICTIM* ^[2].
- National Crime Reports Bureau (NCRB) released statistics from 2020, report sexual crimes against children and a rise in cases reported under the Protection of Children against Sexual Offences (POCSO) Act ^[3].
- It is likely that there is significant under-reporting given the social stigma against boys and their families speaking up on child sexual abuse ^[3].
- In 94.6 per cent of cases of child sexual abuse, the perpetrators were known to child victims in one way or the other; in 53.7 per cent of cases they were close family members or relatives/friends ^[3].
- The conviction rate for POCSO cases have increased, but the number of cases pending is still very high.

THE CASE:

- On 23rd of December, 2022 around 12:30 pm, we received an inquest from station house officer of Narsingi police station of Hyderabad city police division. According to the police inquest, deceased, a 4year old female child, fell down accidentally from stairs on 19/12/2022 at around 02:00 am, cried and slept, next day morning when her father tried to wake up she didn't wake up and not even responded. Then her parents took her to nearby hospital, they referred them to Niloufer Hospital. The duty doctor suggested brain surgery for the child and referred to Osmania general hospital. Neurosurgeon in Osmania said that child cannot undergo brain surgery, prescribed medicines and referred back to Niloufer hospital. Admitted on 20th December at around 9.30 pm as a case of Battered baby syndrome. Later the child became unresponsive, connected to ventilator and then declared dead on 21st of December 2022 at 5 pm. During the course of admission in the Niloufer hospital, on 21st December, gynaecologist opinion was taken to rule out sexual abuse. Gynaecologist examined the child with the written consent of mother and opined that there are no signs of sexual abuse. {as mentioned in discharge summary fig.1}. Case was filed under section 174 Criminal procedure code and the corpse was brought for autopsy to our institute.

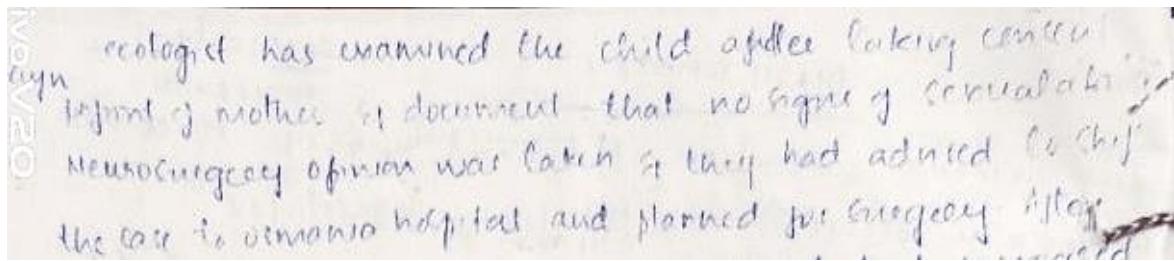


Fig.1. Discharge summary given by Niloufer Hospital.

POST MOTEM EXAMINATION:

- An average built, 04 years old female child of 106cms height. Body was wrapped in brown colour floral designed fleece blanket. Body was dressed in cement colour half sleeves T-shirt, multicolour pant. A red colour thread of one row present around right wrist. A black colour thread of one row present around waist. A black colour thread of one row present around left ankle. Body was supine, eyes were closed and mouth was partly open. Scalp hair was black in colour. Eyes, lips and all the nail beds appeared pale. Post mortem lividity was present over back of the body and fixed. Rigor mortis had passed off.

EXTERNAL INJURIES:

HEAD AND FACE: A crescent shaped abrasion {Fig.2} and 2 patterned contusions {Fig.3}, semilunar in shape, brownish yellow in colour with multiple crescent shaped linear abrasions with brown scab {suggestive of teeth bite marks} were noted over right side of face. Multiple contusions, bluish black in colour were present over left side of the face and left ear lobule.



Fig.2. Crescent shaped abrasion on glabella.



Fig.3. Two patterned contusions on right side of face



Fig.4. Multiple contusion over left side of face



Fig.5. Contusion over left ear lobule.

NECK: Multiple linear abrasions with reddish brown scab were noted over the front aspect of the left side of neck {Fig 6}.



Fig.6. Multiple linear abrasions over front of left side of neck.

BACK OF CHEST: Multiple bluish black colour contusions {Fig 7} with multiple crescent shaped linear abrasions present {suggestive of nail marks}.



Fig.7. Contusion with nail mark abrasion over the back

UPPER LIMBS: An oval shaped, bluish black colour contusion {Fig.8} present over front and inner aspect of middle 1/3rd of right forearm and a non-continuous oval shaped contusion, bluish brown in colour, present obliquely {Fig.9} over back and outer aspect of upper 1/3rd of left forearm {suggestive of old teeth bite marks}.



Fig.8. Oval shaped contusion over right forearm

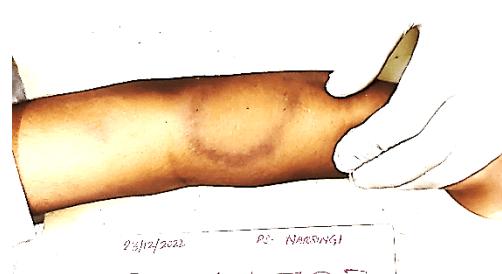


Fig.9. non continuous oval shaped contusion over left forearm

LOWER LIMBS: Multiple contusions of various sizes and shapes, purplish blue in colour were noted over front aspect of upper 1/3rd of both the thighs {Fig.10}



Fig.10. Multiple contusions over front of thighs

➤ **INTERNAL INJURIES:**

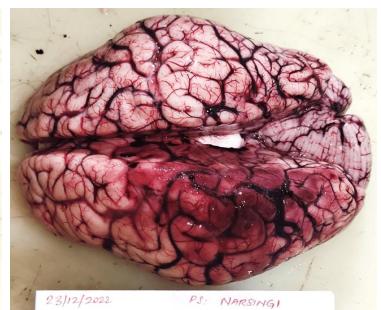
- On reflection of scalp, a contusion, red in colour noted {Fig.11} and left temporalis muscle was contused. On opening the skull vault, subdural hematoma with about 50mg of clotted blood present over left occipitoparietal lobes of the brain {Fig.12 & 13}.



Fig.11. Inner surface of the scalp contusion.



Fig. 12 & 13. Subdural hematoma over left occipitoparietal lobes



- On opening the peritoneal cavity, contusions noted in the retroperitoneal tissue and over the fundus of the uterus {Fig.14}



Fig.14. Contusion over fundus of uterus

- Abnormal dilatation of vagina noted {Fig.15} and vaginal mucosa was erythematous, red in colour. Hymenal tears noted at 1'O' clock position, margins were red with erosions {Fig.16}.



Fig.15. Abnormal dilatation of Vaginal introitus



Fig.16. Hymenal tear with erosions

- Anal orifice was lax and abnormally dilated {Fig.17,18}, showing gaping of 3cm of diameter with multiple old, healed, and healing tears and fissures around anal orifice {Fig.18}, more prominent on right side with irregular edges. A contusion was present at 2'O clock position {Fig.19}. No evidence of discharge. Anal and rectal mucosa showed erosions {Fig.20} at multiple sites {suggestive of repeated anal violation}.



Fig.17. Lax anal orifice.



Fig.18. Abnormally dilated with multiple tears.



Fig.19. Contusion at 2'o clock position.



Fig.20. Multiple erosions in anal and rectal mucosa.

- Note: The above- mentioned injuries show different ages and suggesting different times of infliction of injuries and repeated assault.
- Lungs were mildly congested and all other organs were nil particular.
- **TISSUES PRESERVED FOR FURTHER EXAMINATION**– Swabs from labia majora, labia minora, vagina, cervix, anus and mouth collected for semen analysis and nail clippings for DNA Analysis. **But all turned out to be negative.**
- **SPECIMEN PRESERVED FOR CHEMICAL ANALYSIS**– Routine viscera was preserved for chemical analysis but no poisonous substance was detected.
- **CAUSE OF DEATH:**
 - ❖ Initial opinion was given as '**HEAD INJURY AND ITS COMPLICATIONS WITH EVIDENCE OF REPETITIVE SEXUAL ASSAULT'**
 - ❖ After Telangana State Forensic Science Laboratory reports, Final opinion was given as '**HEAD INJURY AND ITS COMPLICATIONS WITH SIGNS SUGGESTIVE OF REPETITIVE FORCEFUL PENETRATION OF VAGINA AND ANUS'**

DISCUSSION:

- ✓ A total of 1,49,404 cases of crime against children were registered during 2021, showing an increase of 16.2% over 2020 (1,28,531 cases). {[CII 2021 SNAPSHOTS STATES.pdf \(ncrb.gov.in\)](#)}
- ✓ In percentage terms, major crime heads under 'Crime Against Children' during 2020 were Kidnapping & Abduction (45.0%) and Protection of Children from Sexual Offences Act, 2012 (38.1%) including child rape. The crime rate registered per lakh children population is 33.6 in 2021 in comparison with 28.9 in 2020. {[CII 2021 SNAPSHOTS STATES.pdf \(nerb.gov.in\)](#)}
- ✓ POCSO victims below 6 years were 675 children and in that girls were 650 and boys were 25 [4].
- ✓ This case can be classified into 'AGGRAVATED SEXUAL ASSAULT' as POCSO ACT 2012 states that [5]
 1. whoever commits penetrative sexual assault on the child more than once or repeatedly; or
 2. whoever commits penetrative sexual assault on a child below twelve years; or (n)
 3. whoever being a relative of the child through blood or adoption or marriage or guardianship or in foster care or having a domestic relationship with a parent of the child or who is living in the same or shared household with the child, commits penetrative sexual assault on such child
 4. whoever commits penetrative sexual assault on a child and attempts to murder the child.
- ✓ **Drawbacks in this case:**

20TH MORNING 7 AM
↓ (78 HOURS)
23rd AFTERNOON 1 PM

- Ministry of Health and Family Welfare guidelines says, in cases of sexual offences the likelihood of finding evidence after 72 hours (3 days) is greatly reduced.
- But it is advised to collect evidence up to 96 hours. Hence we collected but still it was negative. Reasons?
 1. May be because of the delay in collection.
 2. Perpetrator might have used condom / coitus interruptus.
 3. Some other object might have been used instead of male organ.

- **FROM TEETH BITE MARKS:**

- ❖ Should have been examined at the earliest.
- ❖ Saliva from the teeth bite marks could have been recovered using 2 swab technique, which could have been used for [6]
 1. ABO blood grouping and typing
 2. To generate DNA which could be used to compare with the DNA collected from genital region {If any} can be matched with suspect and it would have been be a {Strong inculpatory evidence}.
- ❖ Dental impressions from the indentations can be used to match with the impressions of the suspect. But it should have been collected within 24 hours, best within 6 hours [7].
- ❖ The bite marks in this case clearly shows individual indentations of teeth. If dental impressions were made when the patient was seen first and dental casts were prepared, it could have been used to compare with the suspects teeth. If matching, would have been inculpatory evidence [7].

Source of funding: SELF.

Ethical clearance: Applied to Institutional Ethics Committee, Osmania medical college.

Conflict of Interest: NIL.

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