

Government of Karnataka

(C.R.P.67)

**BEFORE THE 2nd ADDL. DISTRICT AND SESSIONS
COURT, CHIKKAMAGALURU.**

S.C.29/2023

PW-10

CW-31

Duly Sworn on: 01.04.2024

Witness Name : Dr. Lohithkumar
Father's Name : Rudranaik S
Age : 40 years
Occupation : Associate Professor,
Department of Forensic
Medicine and
Toxicology
Place of Residence : Chikkamagaluru

Examination in Chief by Public Prosecutor:-

I am working as Associate Professor at Chikkamagaluru Institute of Medical Science, Chikkamagaluru since 20.02.2021.

1) On 16.11.2022 at 8.00 p.m., I received requisition from Circle Inspector of Police, Koppa Circle to conduct postmortem examination on deceased by name Yashoda W/o Sadananda, female, aged about 45 years, resident of Honnagundi Village, Koppa Taluk along with said dead body and it was identified by CW33 WHC 100 Kalavathi. I conducted postmortem examination of

said dead body from 8.05 p.m to 9.00 p.m on the same day. On examination, I noticed that the dead body was of brownish complexioned, moderately built and nourished, measuring 162 c.m in length and the rigormortis was in passing off stage. Livor mortis was present over the back except over pressure areas. No evidence of decomposition was present. I noticed the presence of subconjunctival hemorrhage in left eye. Clotted blood was present in and around both nasal cavity and inner canthus of left eye. Cyanosis was present in nail beds of all fingers.

I noticed the following 17 external injuries:

1. Bluish discoloration was present around left eye(Black eye).
2. Reddish contusion measuring 0.8 c.m x0.7 c.m was present over bridge of nose. Swelling , deformity and bony crepitation with fracture of underlying nasal bones present.
3. Reddish contused abrasion measuring 1.3 cm x 0.3 cm was present obliquely over glabella and base of nose.

4. Reddish contusion measuring 16 cm x 5 cm was present over left side of neck along the clavicle and over sternal notch.
5. Bluish contusion measuring 5 cm x 5 cm was present over front of upper part of right chest.
6. Reddish contusion measuring 2 cm x 0.5 cm was present horizontally over thyroid eminence.
7. Bluish patterned semi circular contusion with central pale area (Bite mark) measuring 6 cm x 5 cm was present over inner aspect of right knee joint.
8. Reddish abrasion measuring 0.5 cm x 0.4 cm was present over front of left knee joint.
9. Bluish patterned semi circular contusion with central pale area (Bite mark) measuring 5 cm x 4.5 cm was present over posterior-medial aspect of mid part of left arm.
10. Reddish contusion measuring 2 cm x 2 cm was present over outer aspect of right elbow joint.

11. Bluish contusion measuring 2.5 cm x 2 cm was present over outer aspect of mid part of right arm.
12. Bluish contusion measuring 10 cm x 4 cm was present over left side of upper back over scapular region.
13. Reddish abraded contusion measuring 4 cm x 3 cm was present over outer aspect of left buttock.
14. V-shaped linear abrasions (nail marks) 2 in numbers, measuring 2.7 cm x 0.1 cm are present over flexor aspect of lower end of right forearm.
15. Reddish abrasion measuring 1.5 cm x 0.5 cm was present over back of left elbow joint.
16. Reddish contusions (teeth mark impressions) measuring 2 cm x 1 cm and 1.5 cm x 1 cm are present over inner aspect of lower lip and inner aspect of upper lip respectively.
17. Reddish crescentic abrasion measuring 0.5 cm x 0.3 cm was present over right side of upper lip.

2. On internal examination on dissection, I noticed the presence of sub-scalp extravasation of blood in both frontal region of scalp. Patchy sub-arachnoid hemorrhage was present over frontal and basi-occipital lobes of cerebrum. On dissection of thorax I noticed that walls were contused at places, larynx and trachea showed congested and contained copious froth mixed mucus. Both lungs were congested, heavy and edematous. Petechial hemorrhage were present over inter-lobar fissures on both sides. Cut section showed dark blood mixed intense froth was oozing out. The surface of the heart showed petechial hemorrhages.

3. On dissection of abdomen, mouth pharynx and oesophagus showed congestion and contained copious froth mixed mucus. Stomach contained about 100 ml of mucus and its walls were normal. All other organs were congested. On dissection of neck, I noticed that subcutaneous tissues under the skin of neck showed extravasation of blood in front and left side of neck. Muscles were contused with extravasation in surrounding areas. Hyoid bone, thyroid and cricoid cartilages were intact. Jugular vein was torn on left side.

The time since death was about 18 to 24 hours at the time of commencement of postmortem examination.

4. I have collected the following specimen and cloths found on the dead body, preserved the same and handed over the same to the investigating officer through WPC Kalavathi in sealed manner and instructed to submit the samples to forensic science laboratory for analysis at the earliest. I can identify the cloths which were found on the dead body and collected by me.

5. Now I see a lavender colored gown(nightly), a peach coloured inner gown(Petticoat), a dark blue colored panty and the same are already marked as MO.9 to MO.11. Witness identifies his signature of the slip affixed on MO.9 to MO.11. Accordingly said signatures are marked as MO.9(b) to MO.11(b).

6. Now I see impression taken on slide with cello tape from right side of neck, left side of neck, front side of neck and control sample and the same are already marked as MO.13 to MO.16. Witness identifies his signature of the slip affixed on MO.13 to MO.16. Accordingly said signatures are marked as MO.13(b) to MO.16(b).

7. Now I see the blood taken on in gauze piece for cross matching and the same is already marked as MO.12. Witness identifies his signature of the slip affixed on MO.12. Accordingly said signature is marked as MO.12(b).

8. After examination I kept my opinion regarding cause of death pending and issued postmortem examination report on the same day i.e., on 16.11.2022 Now I see postmortem examination report and it bears my signatures on each page. Said postmortem examination report is already marked as Ex.P38 and the signatures of the witness are now marked as Ex.P38(b) to Ex.P38(e).

9. Later on 12.01.2023, I received a requisition from the investigating officer along with two FSL reports dated 07.12.2022 and another FSL report dated 09.12.2022. I have gone through the findings given in said reports and issued my final opinion regarding cause of death on 13.01.2023 with the opinion that death was due to asphyxia as a result of combined effect of smothering and compression of neck which was sufficient to cause death in the ordinary course of nature. All the injuries were ante-mortem in nature and

fresh at the time of death. Now I see said final opinion and it bears my signature. Said final opinion is already marked as Ex.P43 and the signature of the witness is now marked as Ex.P43(b).

10. On 08.02.2023, I received a requisition from the investigating officer along with a sealed article for examination and opinion. I opened said article on the same day and found a wooden heavy stick, its length was 96 c.m and circumference was 7 c.m, and its weight was 180 grams. After examination, I repacked said article in the same cover and sealed with sample seal and handed over the same to the investigating officer. On the basis of examination of said article, I am of the opinion that the injuries noted by me on the dead body of deceased as per Ex.P38 report could be possible if assaulted with said wooden heavy stick.

11. Now I see said opinion and it bears my signature. Said opinion is already marked as Ex.P51 and the signature of the witness is now marked as Ex.P51(b). I can identify the aforesaid heavy wooden stick that was examined by me. Now I see said stick and it is already marked as MO.1. Witness identifies his signature of the

slip affixed on MO.1. Accordingly said signature is marked as MO.1(b).

12. The injury No.1 mentioned in Ex.P38 report is possible if a person is fisted on left eye. The injury No.4 mentioned in Ex.P38 report is possible if the neck is pressed with hands with force during assault. The injury No.7, 9 and 16 mentioned in Ex.P38 report are possible if a person is bitten by another person and the same could not be self inflicted because of the area of the presence of said injuries. Rest of the injuries are possible if assaulted with MO.1 stick.

Cross Examination by Sri.ND, Deputy Chief Defense counsel of LADCS for accused:

13. The impression of injury No.7, 9 and 16 were not collected because there was no requisition by investigating officer to that effect and the age of said injuries was more than 18 to 24 hours at the time of commencement of postmortem examination. I have not taken the photographs of said injuries to show its depth because there was no requisition from the investigating officer to that effect.

14. The said injuries were visible to naked eye. It is false to suggest that the injuries as per injury No.7, 9

and 16 were not present on the dead body and as such I have not collected the impression of said injuries and forwarded the same to the investigating officer.

Ques: Have you taken the photographs while taking impression on slide with cello tape from the neck of the deceased?

Ans: As I was taking the impression, it was not possible for me to take photographs of said process and moreover there was no request by the investigating officer to take the photographs and make the video of the procedure of postmortem examination.

Ques: Except palm and foot, hairs will be present on the entire surface of the body?

Ans: Not on the entire surface of the body but on the keratinized parts.

15. It is false to suggest that I have not collected any impressions as per MO.13 to MO.16. It is false to suggest that the injuries mentioned by me in Ex.P38 report are possible as a result of fall on the rough surfaced area while working in the coffee estate. It is false to suggest that the injury No.1 is possible if a person falls accidentally on rough surfaced area in prone position.

16. It is false to suggest that even though all the injuries mentioned in Ex.P38 are possible as a result of a accidental fall on rough surfaced area while working coffee estate, I have issued false reports as per Ex.P38 and Ex.P43 at the request of police and deposing falsely at their instance.

Ques: Have you noticed that any traces of blood on MO.1 stick?

Ans: As there was no request by the investigative officer, I have not examined the presence of blood stains on said stick.

17. Along with requisition, the investigating officer had forwarded a copy of inquest report. It is false to suggest that without conducting any postmortem examination, I have issued false reports as per Ex.P38 and Ex.P43 on the basis of information furnished by the police at their request.

Re-examination: Nil.

(Typed to my dictation in Open Court)

R.O.I. & A.C.

Sd/-

(BHANUMATHI. B.C.)

2nd Addl. District and Sessions Judge,
Chikkamagaluru.