

CASE REPORT

Blood and Desire: A Case of Preplanned Murder, following Torture by SpouseRoy S,¹ Bandyopadhyay C.²Junior Resident-I,¹ Associate Professor.²

1-2. Department of FSM, Medical College, Kolkata.

Abstract:

As one of the oldest civilizations of the world, India has experienced several seismic changes in culture, migration and invasion in which violence has played an integral part which has also brought changes in patterns of homicide and responses to it.¹ Attempts to camouflage the homicidal incidents is not an unknown phenomenon, which neither the science nor the law is always successful in unearthing and when the element of premeditation is involved, the crime becomes much more heinous.² Requisition for conducting post-mortem examination of a 42-year-old male was brought to Kolkata Police Morgue on 05/11/2022, being referred from a district hospital. External examination showed multiple injuries over the face, extremities and external genitalia with numerous nail scratch abrasions over the anterior aspect of the neck. Internally all visceral organs were congested.

Keywords: Murder; Manual strangulation; Genital injuries; Hyoid fracture.

Introduction:

Although the term homicide is sometimes commonly used synonymously with murder, there exists an ocean of difference between these two which can be bridged by three terms-unlawful, intentional and with a malice aforethought.³ Therefore, a prosecutor must prove this "level of intent" before someone can be convicted of murder. The concept of culpability is intimately tied up with notions of agency, freedom and free will. All are commonly held to be necessary, but not sufficient to prove culpability which can be proved if the following elements are involved:

- | | |
|----------------|------------------|
| I. Negligence | II. Recklessness |
| III. Knowingly | IV. Purposefully |

There are always some elements of a crime that constitute the backbone of every criminal case and corroborate that evidence of a crime. These elements are further categorized into two:⁴

I. General elements: -

- Mens rea ● Actus rea ● Concurrence ● Causation ● Harm

II. Specific elements (elements needed to prove a specific crime like the motive of the crime, circumstantial evidence, etc).

For every crime, whether the perpetrator(s) is/are known or unknown, the line of inquiry always follows an analytical approach to join missing links in cases where the investigation of the judiciary has met a dead-end. In the following report, we present this case, where the deceased was cold-bloodedly throttled to death. Even though it was not an off-the-record case

of manual strangulation, the interest of the case lies in the very fact that it has shed light on every element of murder and the motive behind the crime.

Case history:

On the 5th of November, 2022, the Kolkata Police Morgue received a requisition for conducting the medicolegal autopsy of a 42-year-old male. The case was referred from a district hospital due to the unavailability of forensic pathologist in that hospital. He was brought dead at one of the rural hospitals, where the emergency medical officer after declaring him "Brought dead", sent the deceased's body for a post-mortem examination.

2.1 Findings: Autopsy findings: The routine medicolegal autopsy was conducted at 4:00 pm on 05/11/2022.

2.1.1 External: The dead body of a well-built and well-nourished male subject weighing 95 kg and height 5' 10", Rigor Mortis present all over the body, face dusky, eyes closed, pupils dilated equally on either side and fixed, conjunctiva congested and corneas were hazy.

W/A- One grey-coloured vest with one greenish-black drawer was noted. Liquid blood is noted to be oozing out of the right nostril. There was bluish discolouration of fingertips, nail beds, the tip of the tongue and nose, and ear lobules.

Corresponding Author

Dr. Chandan Bandyopadhyay

Email : banerjee.chandan09@gmail.com

Mobile No.: +91 94322 26339

Article History

DOR : 05.05.2023 DOA : 11.10.2023



Figure 1. External appearance.



Figure 2. Dusky face.

PM No. 637/KPM
Date: - 05/11/2022

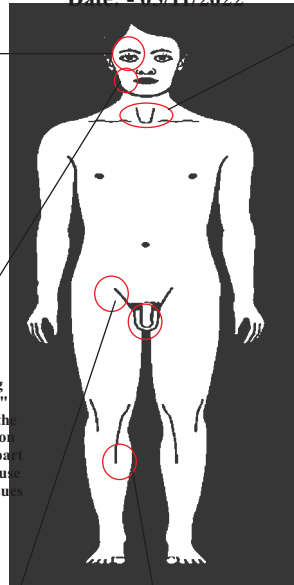


Diagram 1



One lacerated wound measuring, 1" x 1" x muscle deep over right upper eyelid, 1.3" to the right of midline, 5" vertically above lower border of right half of mandible, with diffuse extravasation of blood within soft tissues.

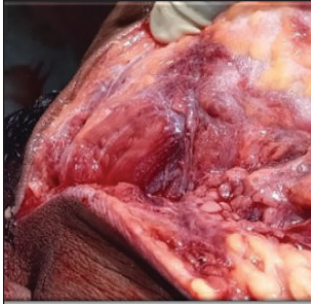
Figure 3. Lacerated wound over Rt Upper Eyelid.



Class IV human bite mark, involving an area of 1.5" x 1", with gaps of 0.3" each over the two lateral ends, over the right side of the face with one abrasion measuring 1" x 0.4" over the lower part of the right side of the face, with diffuse extravasation of blood in the soft tissues and muscles, excluding the right parotid gland



Figure 4. Human bite mark over Right cheek, revealing deep bruise on further dissection.



One bruise of size 1.2" x 0.5" over right inguinal region, 3" below right anterior superior iliac spine



Figure 5. Bruise over Rt Inguinal region.

One Class IV human bite mark involving an area of 1.5" x 1" over the medial aspect of upper part of the right leg, 11.5" above the right medial malleolus with extravasation of blood in and around subcutaneous tissues



Figure 6. Human bite mark over medial aspect of Rt leg.

10 (ten) number of abrasions, involving an area of 5" x 2", over right side of the neck placed obliquely from above downwards, one below the other, with evidence of overlapping at places



Figure 8. Numerous nail scratch abrasions, placed obliquely one below the other, from above downwards.



Diffuse extravasation of blood in all the layers of right scrotum with diffuse bruising and softening of right testis



Figure 7. Bruise over Rt scrotal layers and Rt testis.



Figure 9. Bruise around cornu of Hyoid without fracture.



Figure 10. Epicardial petechiae.



Figure 11. Subpleural and interlobar hemorrhages.



Figure 12. Diffuse submucosal hemorrhages in stomach.

Injuries noted were as follows: -

- Extravasation of blood into the layers of superficial muscles of the front of the right half and left half of the neck measuring about 3" x 2.5" and about 3" x 2" longitudinally, respectively.
- All the injuries noted above showed signs of vital reaction.
- The abrasions were non-scabbed and bruises and extravasated blood were dark red.
- The margins of the lacerated wounds were irregular and showed extravasation of blood in and around.

2.1.2 Internal: ● Diffuse extravasation of blood in and around the right cornu of the hyoid bone.

- All the visceral organs were congested.
- Epicardial petechial hemorrhages were present. Both the lungs were oedematous with evidence of subpleural and interlobar petechial hemorrhages.
- Mucous membranes of larynx and trachea were congested with intact hyoid bone and thyroid cartilage.

2.1.3 Toxicological analysis: Routine viscera along with blood, urine, vitreous humor and bile were packed, labeled, signed, sealed and handed over to the police for onward transmission to Forensic Science Laboratory for toxicological analysis, which came out negative for any drug or pharmacological agent.

Discussion:

Death in this case, was antemortem because of manual strangulation. The only point of contention that arose was regarding the fact that whether the deceased succumbed to vasovagal syncope due to testicular squeezing or mechanical asphyxia or due to the combined effects of both, as genital trauma proved to be fatal in various literature.⁵ This however, has very little to do with the background in which the events have occurred. Based on the post mortem findings and reconstruction of events, it was possible to throw some light on the circumstances and a clue about the perpetrator based on which the investigating officer nabbed the spouse of the deceased who confessed of having an extramarital affair about which her husband came to know of. One afternoon when he returned from work she feigned desire with the intent of murdering him in course of time. Taking advantage of the situation, she groped his testicles firmly and squeezed it hard. Furthermore, to confirm his death, She tried to throttle him and during that scuffle inflicted injuries upon him with brutality and cruelty.

Here, we try to prove the criminal intent as follows: -

- The act was unlawful and intentional, evidenced by the multitude of wounds.
 - The question of whether it was malice aforethought or impulsiveness can be answered by: -
1. The verbal statement that was given by the assailant (as in this case).
 2. Circumstantial evidence.
 3. A review of previous literature on similar cases has shown that the modus operandi of the assailant almost always

remains the same.

- In the court of law, to prove this level of intent, the convict's mens rea may be attributed to the level of committing the act "knowingly" and "purposefully".
- The burden of crime can be substantiated from both the specific element (in this case the modus operandi of the assailant) along with the five general elements of murder described previously.
- The interest in the case was heightened more because a man of such well-built strength compared to his spouse could easily be subdued. This tends to contradict results of various studies which have shown that physical strength, level of aggressiveness and mental abilities tend to be higher in men compared to women.⁶
- Such a crime falls under the types where offender profiling becomes essential. Based on Cesare Lombroso's theory of criminology, where he classified criminals into three major categories (born criminals, insane and criminaloids), the assailant in this case may be classified under the criminaloid group.⁷

Conclusion:

Thus, conducting a post mortem examination meticulously coupled with the knowledge of the nature of injuries over a dead body, the manner of death can be deduced to a great extent. In cases of suspected homicide/murder, this knowledge helps in understanding an offender's method of operation. The equation of profiling an offender can be formulated in such a way that intent of every crime, be it justifiable or non-justifiable, easily fits into.^{8,9}

Overall, when we investigate such a case from forensic point of view, they may help forensic pathologists to reconstruct the scene of crime and delve a little deeper into the psychological aspect of the perpetrators.

Abbreviations: FSM: Forensic and State Medicine.

W/A: Wearing apparels.

Conflict of interest: None.

Source of funding: None.

References:

1. Jaishankar K. Routledge Handbook of South Asian Criminology. Routledge; 2019.
2. Gill JR. Adelson's The Pathology of Homicide: A Guide for Forensic Pathologists and Homicide Investigators (2nd Edition). Charles C Thomas Publisher; 2022.
3. Merriam-Webster Dictionary [Internet]. Merriam-webster.com.2023 Available from: <https://www.merriam-webster.com/dictionary/malice%20aforethought>.
4. M Cherif Bassiouni. Introduction to international law. Leiden; Boston: Martinus Nijhoff Publishers; 2014.
5. Sudden Death from Injury to the Testicles. BMJ. 1843 Feb 18;s1-5(125):412-2.

6. Miller AEJ, MacDougall JD, Tarnopolsky MA et al. Gender differences in strength and muscle fiber characteristics. *EuropJApplPhysiol.* 66, 254-262 (1993).
7. Cesare Lombroso, Gibson M, Nicole Hahn Rafter, Cesare Lombroso. *Criminal Man.* Duke University Press; 2006.
8. Turvey BE. *CRIMINAL PROFILING: an introduction to behavioral evidence analysis.* 2019.
9. Cyril John Polson, David John Gee, Knight B. *The Essentials of Forensic Medicine.* Pergamon; 1985.