

Medicolegal Aspects of Hurt, Injury and Wound

*A Berek¹, SMT Haque²

¹*Prof. Dr. Abdul Berek, Professor & Head, Department of Forensic Medicine
Anwer Khan Modern Medical College, Dhanmondi, Dhaka*

²*Dr. Syed Mohammad Tanjilul Haque, Assistant Professor. Department of Forensic Medicine
Anwer Khan Modern Medical College, Dhanmondi, Dhaka*

*Corresponding author

ABSTRACT

Legal term hurt means bodily pain, injury or wound and disease or infirmity caused to any person. Abrasion, bruise, laceration, fracture, dislocation, incised wound, stab wound, puncture, penetrating wound, firearm wound, bomb blast wound, burn, scald are common types of injury or hurt. Different types of weapons or means used to cause hurts are blunt, sharp and pointed weapons, firearms, bombs, heat, electricity and corrosives. For legal purposes, hurts are grouped as grievous hurt and simple hurt. There are eight categories of grievous hurt. In reporting hurt cases, the clinical state of the victim with full description of the wounds are noted and an opinion regarding their legal state i.e. whether grievous or simple, age of the injury, type of the weapon or means causing the injury, whether inflicted by others or self inflicted etc. is given. These help the court to give its judgment. There are enacted laws describing section, numbers, types of crime and their punishments.

Key words: Hurt, Injury, Weapons and Means, Medicolegal report, imprisonment and fine.

Introduction

Medical practitioners very frequently need to examine, treat victims and issue medicolegal reports in pursuit of their profession dealing with wounded persons. Law enforcing officers may send the wounded victims for routine treatment and necessarily for medicolegal reports of the cases. Occasionally the victims from their own selves request the attending medical practitioners to issue medical certificates and reports which will be needed to start a legal action against the accused persons. This is why the medical practitioners have to use their medical knowledge and skill regarding hurts or injuries, different causative weapons or means for making very useful medicolegal reports and on a later date to act as competent expert witness in the courts of law.

Discussion

The term hurt¹, injury² and wound³ have almost the same meaning and some differences as well. They usually mean any damage to any part of the body or bodily harm caused by application

of violence. Injury also includes any harm to the mind, reputation and property, and hurt includes bodily pain, disease or infirmity. Clinically a wound is produced when there is breach of anatomical continuity of the skin or mucous membrane with or without damage of the underlying tissues. Forensically it is wound when there is damage of any tissue or organ irrespective of breach of continuity of the skin or mucous membrane.

Production of wound^{4,11}: A wound is produced when the intensity of the applied force to the body exceeds the capability of the tissue to adapt or resist the force. The capability of the tissue to adapt or resist the force depends on mass, velocity, exact area of the weapon pressing the body, structure of the tissue, mode of application of the applied force like compression, traction, torsion, tangent and leverage of the stress. Type of damage of the tissue depends on the degree of transfer of the kinetic energy from the relative movement of the weapon and/or the body.

Type of wounds^{5,9}: Wounds are typed on the basis of their appearance and the method of causation. **Abrasion-** It is the damage occurring in the epidermis; some dermal papillae may also be damaged. It is caused by rough hard blunt objects or surfaces or by drawing the tip of the pointed objects against the skin or mucous membrane. Most abrasions are caused by rubbing effect and others are caused by vertical pressure. Pattern of the impacting object may be retained at the abraded area. **Bruise-** It is the extravascular collection of blood in the tissue, viz, dermis of the skin, subcutaneous tissue and other deeper tissues due to rupture of blood vessels caused by application of blunt force with overlying tissue remaining intact so that blood cannot escape outside. When the lesion is visible from outside it is called bruise and if not visible from outside it is called **contusion**. Bruises may be of different sizes, viz, petechial haemorrhage of pin head size, purpura of size 2 to 5 mm, echymosis of more than 5 mm, haematoma causing local swelling. **Laceration-** it is the tearing or splitting of the skin, mucous membrane and surfaces of any internal organs caused by application of blunt force. Blood escapes from the wound to the exterior or any body cavity. **Fracture-** It is the breach of continuity of bone or tooth caused by application of blunt force. Clinical features and X-ray findings are considered to diagnose this type of lesion. In **dislocation** of joint the bone ends get displaced completely from their normal anatomical positions with damage to the adjacent tissues. **Incised wound-** It is caused by the sharp edge of the weapon applied to the skin perpendicularly or obliquely making regular clean edges of the wound. It is called a **slash wound** when the length of the wound is greater than its depth.

It is stab wound^{6,12} when its depth is greater than its length and usually caused by pointed knife or dagger. A puncture wound is produced when a pointed thin bodied weapon is pushed into the body. Its depth is also greater than its diameter. A penetrating wound is produced when a bigger type of pointed weapon like teta is pushed into the body making a greater depth. When puncture or penetrating wound is such that it has an entry and an exit and a tract

through the tissue it is called perforating wound. Legally puncture and penetrating wounds are also considered as stab wounds.

Firearm wounds²⁻ These wounds are produced by bullet or pellets fired from guns. Bullet usually causes perforation and pellets cause penetrating wounds. Firearm entry wounds are associated with burning, blackening, tattooing of the surrounding skin. **Blast wounds^{7,8}** are produced by explosion of bombs and are due to blast pressure wave (shock wave), blast winds, heat, splinters, shrapnels, surrounding small fragments propelled by blast winds.

To produce wounds the weapons are applied to the body or the body is applied to the weapon with various velocities. Different wounds have different characteristics and can easily be identified. Type and characteristics of wounds indicate the **type of weapons**. The weapons may be metallic, wooden, fibrous, stone like and even the parts of the body of the offender, viz, teeth, nails, feet, palm, hand fist, fingers, elbows and knees.

Burns^{14,15} are caused by flame, heated objects and **scalds** by hot liquids and vapours or gases. Bodily harm may also be caused by corrosives, electricity, insecticide, high dose of drugs.

Dangerous weapons and means¹: Following things and means have been designated as dangerous (BPC section Nos. 324, 326): Any instrument for shooting, stabbing, or cutting or any instrument used as weapon of offence and is likely to cause death or any means of fire or any heated substance, any poison, any substance deleterious to human body to inhale, swallow or to receive into blood or any animal for causing offence.

Complications of injuries: They are haemorrhage, shock, impairment of functions of vital organs, asphyxia, unconsciousness, infections, embolism etc.

Categorization^{1,10} of hurt or injury: The following hurts or injuries are designated as grievous (BPC Section 320)

First- Emasculation. i.e. loss of male sexual ability.

Secondly- Permanent privation of the sight of either eye.

Thirdly- Permanent privation of hearing of either ear.

Fourthly- Privation of any member (part of the body) or joint.

Fifthly- Destruction or permanent impairing of the powers of any member or joint.

Sixthly- Permanent disfiguration of the head or face.

Seventhly- Fracture or dislocation of a bone or tooth.

Eighthly- Any hurt which endangers life or which causes the sufferer to be, during the space of twenty days, in severe bodily pain or unable to follow his ordinary pursuits.

Any hurts other than the grievous ones are non grievous or simple hurts (BPC Section No 319)

Hurts that produce shock, asphyxia, or coma of the victim are considered endangering hurts. If no treatment is given, the victim may die. Hurts are necessarily fatal, meaning that no best treatment can save the victim from death.

Most hurts are caused by other persons directly or indirectly. They are the accused person. Some injuries may be self inflicted with a motive to accuse others for self interest or to avoid responsibilities or for self killing. The self inflicted wounds are usually caused by sharp cutting weapons. Those cut wounds are superficial, multiple, parallel and placed over the easily accessible sites of the body like wrist, neck, front of chest and abdomen.

Opinion regarding weapon or means: Types and characteristics of the wounds found over the body of the victim indicate the type of weapons or means, Viz, blunt, sharp, pointed, firearms, bombs, heat, corrosives etc.

Opinion regarding age of injury¹³: Healing changes of the wounds, Viz, colour changes, union of the wound edges indicate approximately the interval between time of wound occurrence and medical examination.

Victim examination and report preparation:

After proper identification of the victim, history of the incident is taken and general clinical examination is done including detailed description of injuries necessary investigation is done. Margins, directions and other features are noted and necessary investigation like X-ray findings is added. A photograph of the wound with a measuring scale placed by its side can also be added to the injury report. Proper treatment is also given at the same time. If the victim is in dying condition, his **dying declaration¹⁰** is taken and his signature and LTI are taken. The declaration sheet is also signed by the doctor and two witnesses.

On the basis of medical findings found at the time of examination, opinion is given mentioning the category of hurt, type of weapon used to cause the wounds, age of the injuries, whether self inflicted or inflicted by others. The report is signed by the doctor and his seal impression is put and sent to the investigating officer in sealed envelope. Copies of medical documents are also preserved by the doctor for future reference.

Penal Code section numbers (PCSN), hurt/offences and punishments¹:

Table: Penal Code section numbers (PCSN), hurt/ offences and punishments¹

PCSN	Hurt /offences	Punishments
323	Voluntarily causing simple hurt	Imprisonment (S= simple or R= rigorous) extending up to 1 year or fine, extending up to 1000/= Tk or both
324	Voluntarily causing simple hurt by dangerous weapon	Imprisonment (S or R) extending up to 3 years or fine or both
325	Voluntarily causing grievous hurt	Imprisonment (S or R) extending up to 7 years and fine.
326	Voluntarily causing grievous hurt by dangerous weapons or means	Imprisonment for life or imprisonment (S or R) extending up to 10 years and fine.

PCSN	Hurt /offences	Punishments
326A	Voluntarily causing grievous hurt to both eyes or head, face by corrosives (Vitriolage).	Death sentence or life imprisonment and also fine.
327	Voluntarily causing simple hurt to extort property or to constrain illegal act.	Imprisonment (S or R) extending up to 10 years and fine.
328	Causing simple hurt by poison with intend to commit and offence	Imprisonment (S or R) extending up to 10 years.
329	Voluntarily causing grievous hurt to extort property or to constrain an illegal act	Life imprisonment or imprisonment (S or R) extending up to 10 years and fine.
330	Voluntarily causing simple hurt to extort confession or to compel restoration of property.	Imprisonment (S or R) extending up to 7 years and fine.
331	Voluntarily causing grievous hurt to extort confession or to compel restoration of property.	Imprisonment (S or R) extending up to 10 years and fine.
332	Voluntarily causing simple hurt to deter public servant from his duty	Imprisonment (S or R) extending up to 3 years or fine or both
333	Voluntarily causing grievous hurt to deter public servant from his duty	Imprisonment (S or R) extending up to 10 years and fine.
334	Voluntarily causing simple hurt on provocation	Imprisonment (S or R) extending up to 1 month or fine extending up to Tk 500/= or both
335	Voluntarily causing grievous hurt on provocation	Imprisonment (S or R) extending up to 4 years or fine extending up to Tk 2000/= or both
336	Rash (act done without due consideration, reckless or hasty act) or negligent act endangering life or personal safety of others	Imprisonment (S or R) extending up to 3 months or fine extending up to Tk 200/= or both
337	Causing simple hurt by rash or negligent act endangering life or personal safety of others.	Imprisonment (S or R) extending up to 6 months or fine extending up to Tk 500/= or both.
338	Causing grievous hurt by rash or negligent act endangering life or personal safety of others.	Imprisonment (S or R) extending up to 2 years or fine extending up to Tk 5000/= or both
338A	Causing grievous hurt by rash, driving or riding on public way to endanger life or personal safety of others.	Imprisonment (S or R) extending up to 2 years or fine or both.

Conclusion

Medical documentary evidences like medicolegal reports on hurts prepared by the medical practitioners are very important for the courts in making their legal judgments. The type of wounds and weapons, legal categories of hurts and their ages must be specifically noted in the injury reports: Medicolegal training and experiences strengthen the abilities of the medical expert witnesses. Punishment in term of fine fixed about 20 years ago now needs to be reconstituted at a higher level.

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