



NEET-PG

PART-B

VOLUME-I

Forensic Medicine,
Micro Biology



FORENSIC MEDICINE

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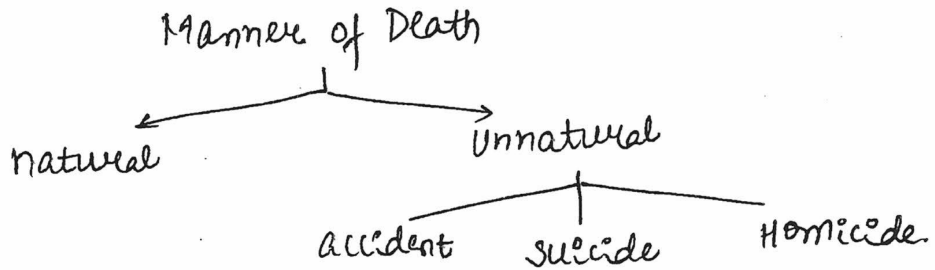
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FORENSIC MEDICINE

Application of medical knowledge into Justice
 Role of medicine in Law.



MEDICAL JURISPRUDENCE

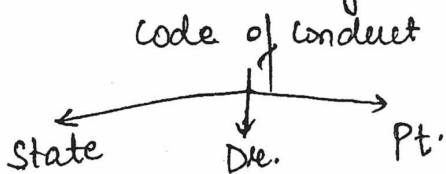
Law in Medicine

Law regulates profession.
 eg. MTP.

MEDICAL ETHICS

Self imposed code of conduct

Followed by everyone.



Given by MCI/SME

Code of Medical Ethics

Warnings Notices

6A's

- 1) Adultery - infidelity
 - 2) Association / covering
↳ can't be unqualified individual.
 - 3) Advertisement
No repeated advertisement allowed.
 - 4) Alcohol
 - 5) Addiction.
- } Never examine a Rx under influence

ETIQUETTES

Conventional Laws of courtesy.

↓
 Manners

If etiquettes not followed
 ↳ not punishable

Followed only by doctors.

6) Abortion. (unlawful)

Other pts. in warning notice

- 1) Issuing fake certificate
- 2) Dichotomy (fee splitting)
 - ↳ Commissions
- 3) Professional secrecy
 - ↳ Trust.

Exceptions - Privileged Communication
 Made to a concerned authority.

- a) Crime → Communicate to Police.
 - b) AIDS → Sexual partner.
 - c) Self interest → If pt. files case of negligence in court
 - d) Pt's. Interest →
- ⊙

Violation of medical ethics



Guilty of serious Professional
misconduct

or

Infamous conduct

or

Ethical Negligence.



Punishment

① Warning

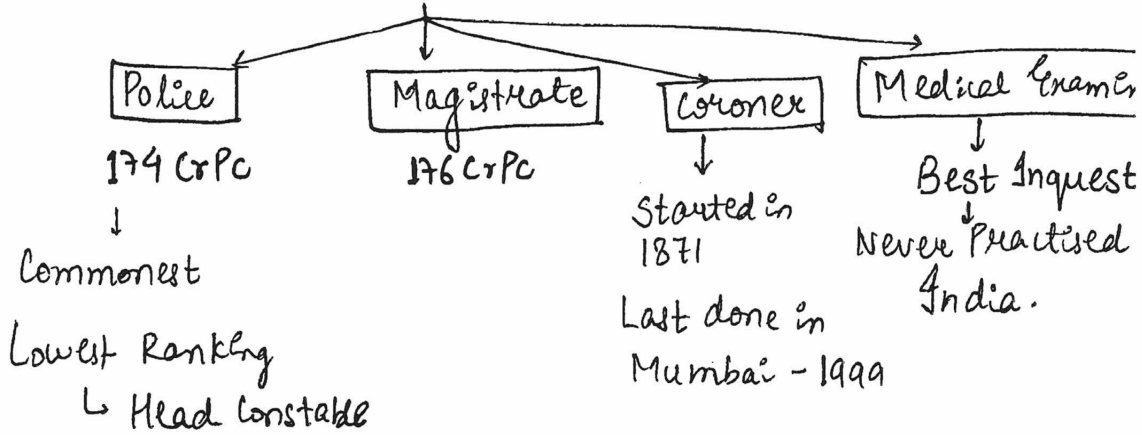
② Penal Erasure

= Professional Death sentence
Name erased from medical register

↓
Inquiry.

↓
INQUEST

INQUEST



MAGISTRATE INQUEST

Judicial Magistrate {

- (1) Death in custody :- under law custody
- (2) " " Prison
- (3) " " Police Firing
- (4) Rape " Custody

Executive Magistrate or Tehsildar or Subdivisional Mag or District Mag/collector.

- (5) Dowry Death
- (6) Exhumation.

Tehsildar or
Subdivisional Mag or
District Mag/collector.

DOWRY DEATH

→ 304 (B)

→ Death in 7yr of marriage

→ Punish → 7yr to life Imprisonment

→ Fine & Imprisonment can't be given by medical Council, only by court.

① SMC will 1st punish the doctor.
decided by :- Fellow Doctors

↓
appeal to
Central Health Ministry

↓ forward to
② MCI
decide.

LEGAL PROCEDURES

① INDIAN PENAL CODE (IPC) - 1860

↳ Defⁿ & Punishment of crime

② CRIMINAL PROCEDURE CODE (CrPc) - 1973

↳ talks about procedure followed after crime

③ INDIAN EVIDENCE ACT (1872). IEA.

↳ Defⁿ, relevancy, recording & weightage of evidence

Oral > Documentary

Modified

Criminal Law Amendment Act 2013

Death →

Natural

Unnatural/
Suspicious/
Unattended

Quantum → lowest punishment → 7 yrs

EXHUMATION

- Digging out body
- Should be done early Morning
- No Time Limit
- Preserve about 500gm of earth. in contact w/ Body from 6 different sites.
- Where a particular poison diffuses from soil into body is called ⇒ "Post-Mortem Intoxication"
 ↓
 That is why soil is preserved.
 M/cly this phenomenon is associated w/ Arsenic.

POWER OF COURTS

COURT	FINE	IMPRISONMENT
1) <u>Magistrate</u>	5000/-	1 yr.
a) 2 nd class Jud. Mag.	↖	
b) 1 st " " "	→ 10,000/-	3 yr.
c) Chief Jud. Mag.	→ unlimited.	7 yr.
2) <u>SESSION</u>		
a) Asst assistant session	↗	10 yrs
b) <u>session court</u>	↗	LI/ ⁹⁰ Death sentence
3) HIGH COURT ←	└─ confirmed by ─┘	
4) SUPREME COURT		

Lowest Court \leq can ↓ or commute Death sentence
 = High Court

416 CrPC \Rightarrow High court shall commute Death Sentence
 of ♂. \rightarrow to LI

AMNESTY \Rightarrow PRESIDENT
 \hookrightarrow Complete Pardon

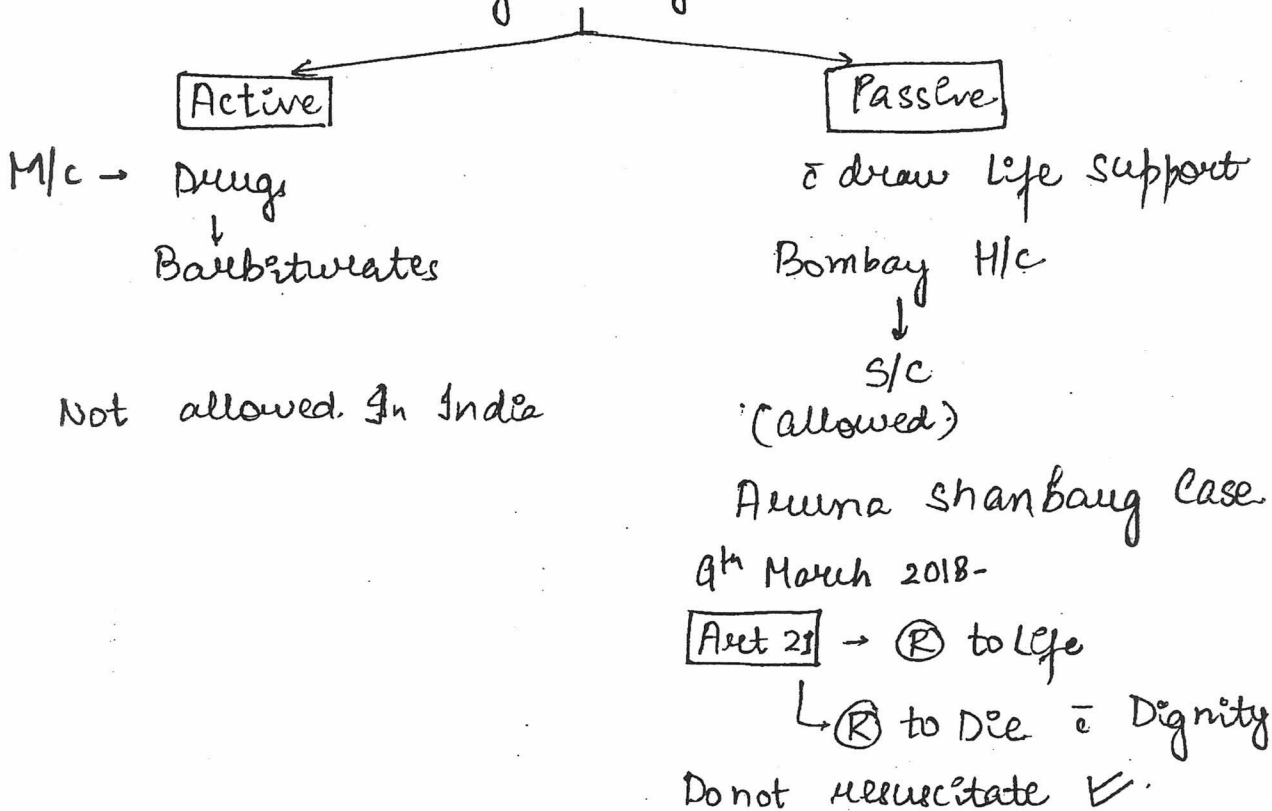
SUPREME COURT \rightarrow ① for Nation

High Court \rightarrow highest for State
 (24)

Session Court \rightarrow highest for District

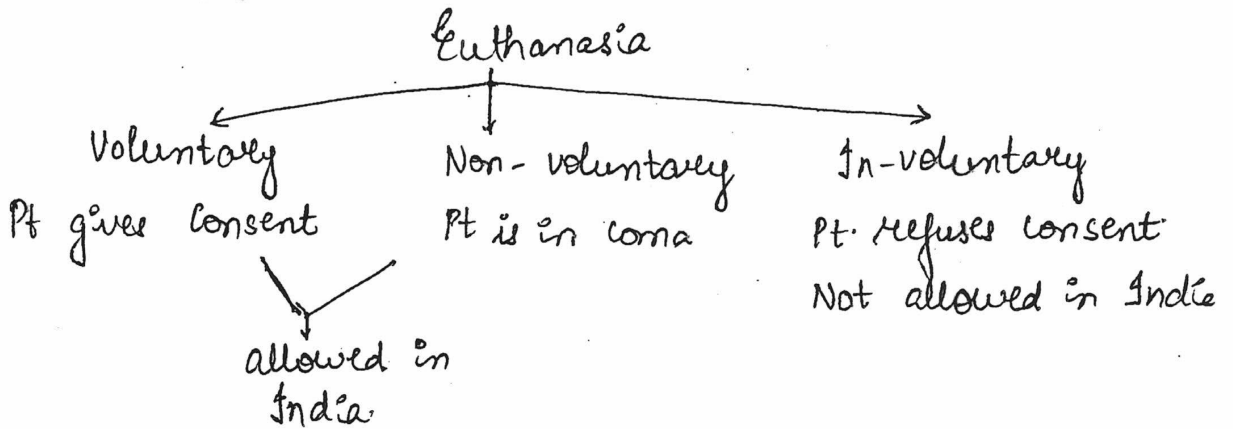
EUTHANASIA

Mercy Killing

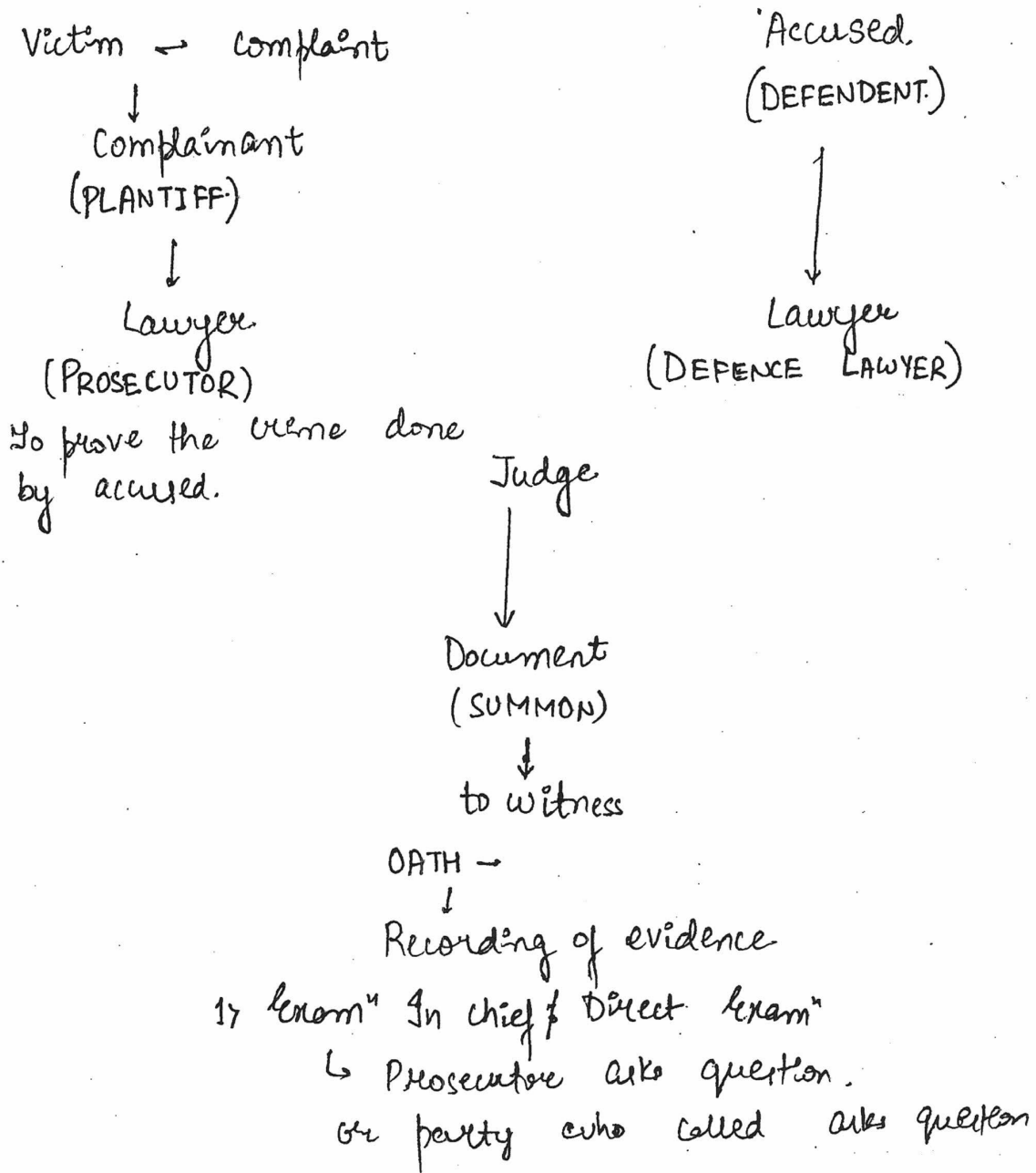


LIVING WILL

Telling about T/E options in living will.



COURT PROCEDURE



- 2) Cross-examⁿ
Questions asked by other party
- 3) Re-examⁿ / Re-Direct Examⁿ
The party who called re-examiner
- 4) Questions By Judge
Anytime

Q. Can a new fact be ~~add~~ introduced in Re-examⁿ → YES

It has to be subjected to Cross-examⁿ.

Q. Time Limit of Cross-examⁿ → No time limit

Q. If a witness has been produced by defendant who will do Cross-examⁿ → By ~~Prosecutor~~ Prosecutor

Q. Leading Questions are allowed in cross-examⁿ.

(141 IEA)



answer - Yes/No.

OATH (51 ~~age~~) IPC)

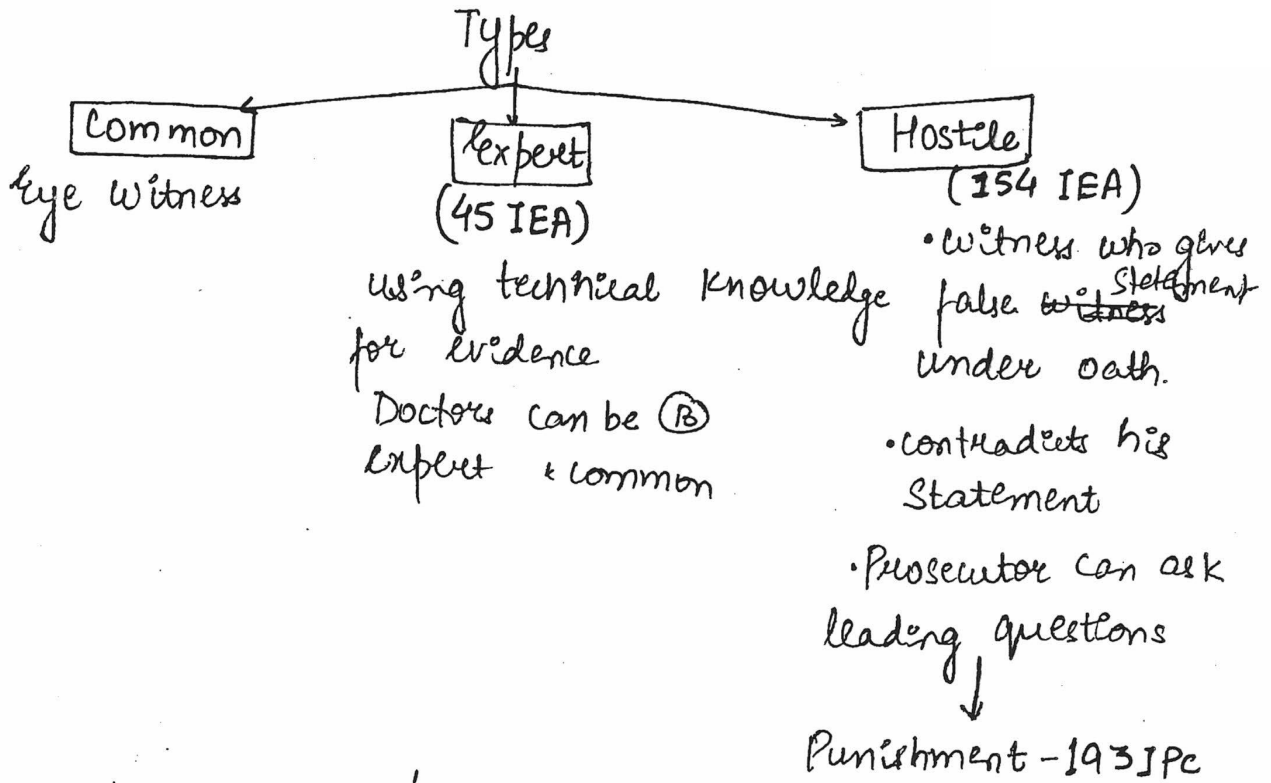
or Min. age - 12 yrs

Giving false evidence under oath = Perjury
Defⁿ = 191 IPC

Punishment = 193 IPC

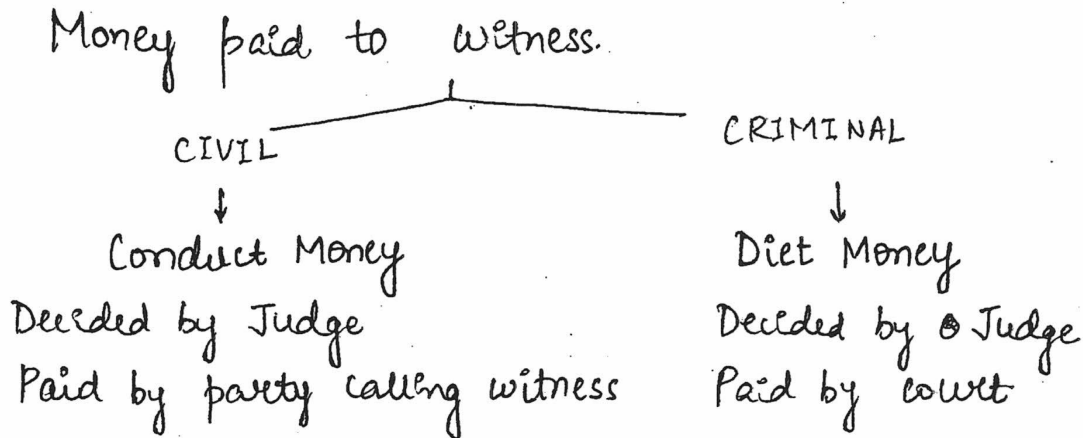
≤ 7 yrs imprisonment

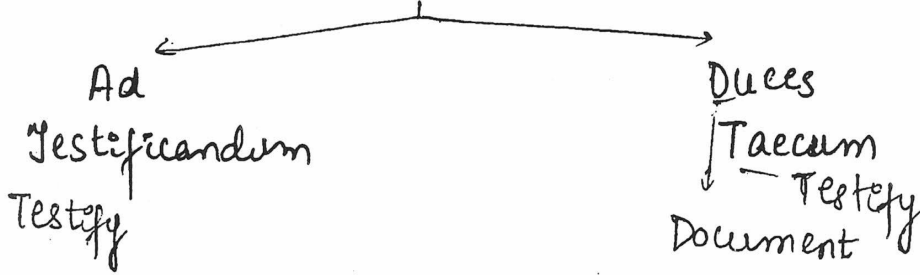
WITNESS



SUMMON / SUBPOENA
 (61-69 Cr.Pc) ↓
 Under Penalty

Criminal court preferred.
 Higher court preferred → always
 Higher
 ↓
 Criminal





DYING DECLARATION
(32 IEA)

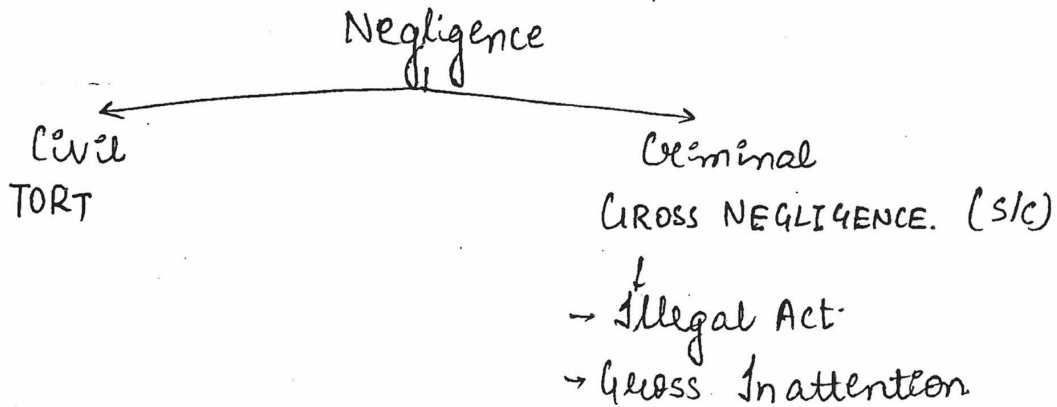
- Statement given by Dying man
- Oath is never administered
- Can be recorded by anyone
- But Best by Magistrate > Doctor > Police > Any other individual
- have to read out in court
- Value → survives
 ↓
 Corroborative value
 or supportive "

DYING DEPOSITION

- Oath done
- ~~for~~ Direct Exam"
 Cross "
 ~~for~~ Re-Exam"
 Question by Judge } outside court
- Better than dying declaration due to cross-examⁿ.
- Not Practised In India.

PROFF. NEGLIGENCE / MALPRAXIS / MAL PRACTICE.

Punished by Court → Fine / Imprisonment



If any negligence can be compensated by Money
↳ Civil

If can't be compensated → Criminal

4D's of negligence

1) Duty → De. ft. relationship

2) Dereliction / Deviation.

3) Direct Causation.

4) Damage / Injury.

(Damage can be excluded)

PUNISHMENT FOR NEGLIGENCE-

1) If Death occurs → 304(A) IPC ⇒ 2yr ± Fine.

2) If Hurt occurs → 337 IPC ⇒ 6month ± Fine.

3) If Grievous hurt → 338 IPC ⇒ 2yrs ± Fine.

4) Neg. & regard to infectious Disease ⇒ 269 IPC - 6month ± fine

5) Malignant act & regard to " " ⇒ 270 IPC 2yr ± fine.
↳ intension

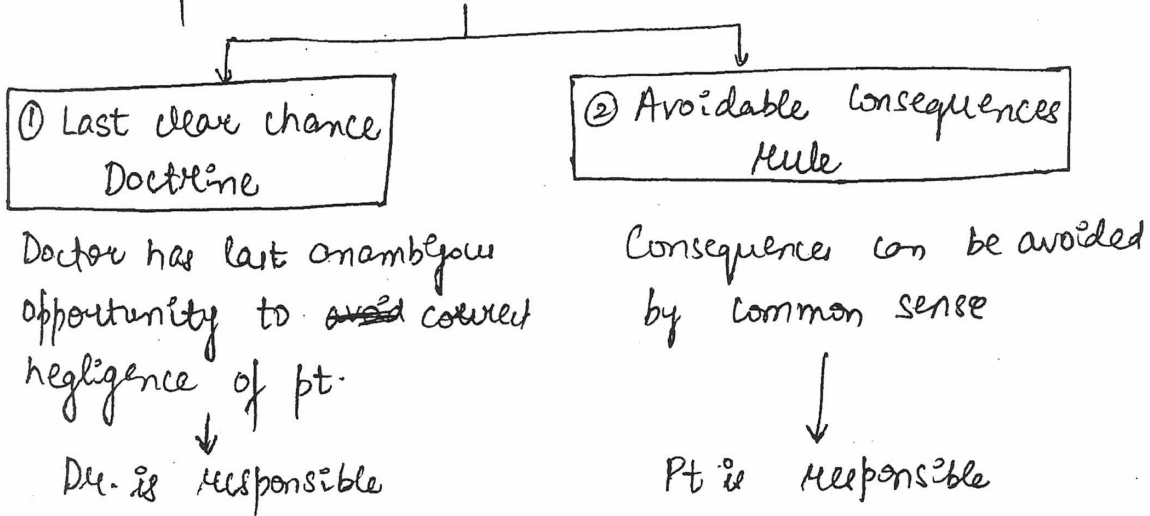
6)

DEFENCES AVAILABLE TO DOCTOR

- 1) Corporate Negligence
Hospital / Management is responsible
- 2) Products Liability
Instruments :- manufacturer is responsible
- 3) Error of Judgement
- 4) Therapeutic misadventure
eg. Idiosyncratic reacⁿ to drugs.
- 5) Res Judicata / Doctrine of double Jeopardy
Let the decision rest
- 6) Res Indica
Limitation Period for 2yrs (for filing a case)

(A) to (C)
 ↓ applicable for (B)
 civil + criminal

7) Contributory Negligence
 (B) Doctor + Pt are negligent
 Defence in civil cases



① RES - IPSA - LOQUITOR

The facts speaks for itself

② VICARIOUS RESPONSIBILITY / Respondent Superior / Captance of Ship doctrine :-

Employer is responsible for negligence of employee

Let the sup. reply

* Doctrine of deep pockets

↳ More money

Base for vicarious responsibility.

* Borrowed Servants Doctrine

The immediate superior responsible

③ Novus Actus Interveniens :-

New Act Intervening.

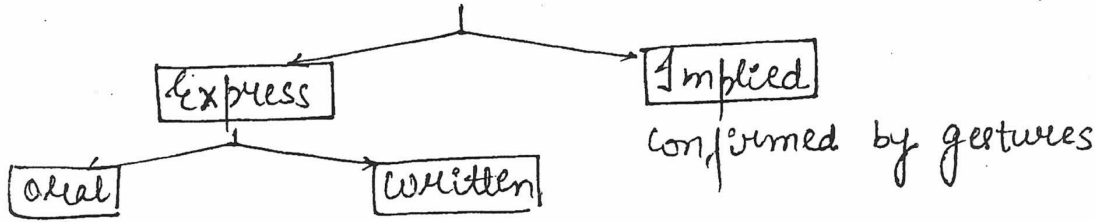
Normal course of event has been changed by someone (Doctor)

Very commonly taken in Homicide.

Surgeon not responsible for anaesthetic complications in O.T. ⇒ only anaesthetic is responsible

Defⁿ → Indian Contract Act

Consent is a type of voluntary agreement



All 3 are valid in court. It should be informed consent

Informed Consent
full Disclosure

↓ exception.

Therapeutic Privilege (avoiding telling a fact
which makes patient fearful).

Blanket Consent :-

Consent for everything
Not a valid consent

Need of consent :-

1) touching patient. w/out consent ⇒ Assault (351 IPC)

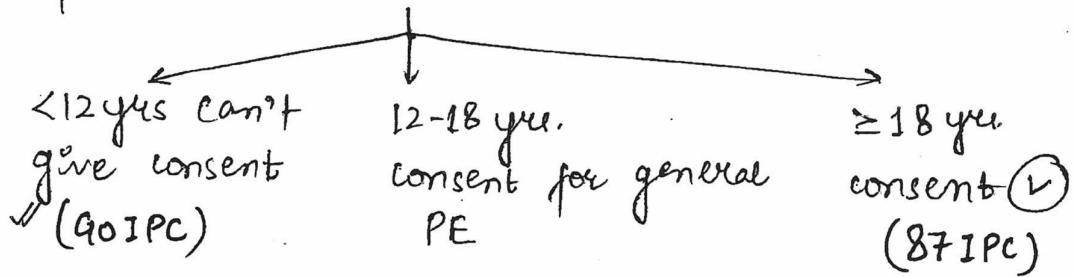
↓
exceptⁿ ⇒ emergency (92 IPC)

① Life saving Rx

② Consent can't be obtained
by w/out reasonable delay

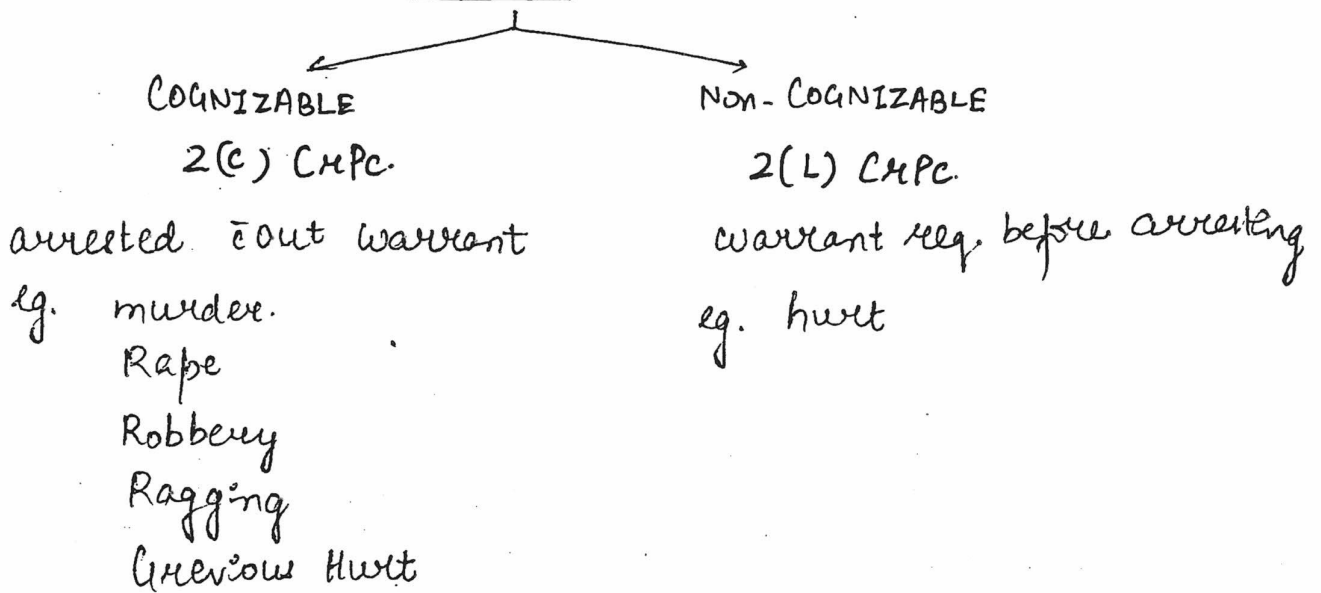
Informed Refusal
↓
LAMA

Age of consent

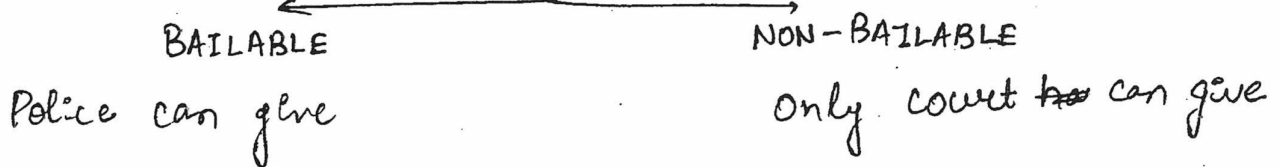


91 IPC - consent for illegal act → Invalid

OFFENCES



Types



IPC

S. 44 → Injury (Defⁿ)

S. 46 → Death. (Defⁿ)

S. 82 → Child < 7 yrs is not responsible for his actions

S. 84 → Criminal responsible for Insane → other rule
 (~ Mc Naughten's Rule) In India except this for insane

Currens Rule

Durhams Rule

Irresistible Impulse

American Law Institute Test.

Not followed in India.

S. 174 → Summary punishment if not attending

Insight → ⊕ → is responsible

Insight → ⊖ → not responsible.

S. 176 - Denial of attending police call

S. 128 - Denial of bath.

Delirium → acute loss of consciousness
 loss of insight → ⊗ resp

Sleep walking → ⊗ resp.

Crime done in kleptomania → ⊕

Hypnotism → ⊗ resp. ⊕ resp.

S. 85 IPC → act done under involuntary intoxication
 not offence

S. 86 IPC → act done under voluntary intoxication
 ⊕ offence

Delirium Tremens → ⊗ responsible

S. 197 IPC → Issuing false certificate ≤ 7 yrs.
 Court can't do penal review