

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination November — 2023

Semester: UG IX Semester (Criminal Law Honours)

Subject: Law Relating to Forensic Science

Time: Three Hours

Marks:100

**Instruction:**

1. Attempt any five questions
2. The number of pages of question paper is two

Q1). On January 9, 2023, the lifeless body of Ms. Unice, a student at St. Xavier's in Cochin who was about eighteen years old, was found in the well in front of the female dorm on campus. The local police, who looked into the matter, first concluded that it was the victim of suicide. A case of unnatural death was registered based on a statement given by Sister Leissue, Mother Superior of the Convent. On April 13, the Crime Branch wing of state police took over the probe, and, in July, submitted a final report which tried to strengthen the suicide theory, with claims of psychological illness of the deceased. Following popular pressure and a legal battle launched by Jomon Puthenpurackal, a human-rights activist who established and led the "Unice Case Action Council," the High Court of Kerala transferred the investigation to the Central Bureau of Investigation (CBI). The first team CBI failed to find the reason for death. Upon the instruction of the court, a second team was set up, which concluded that it was indeed a murder, but there was not enough evidence leading to the murderer(s). The conclusion of "homicide" was reached mainly based on the medical opinion given by three doctors. The CBI detained Kottoor and Sephy on November 10 after conducting a comprehensive investigation and establishing that they were present on the premises when the death occurred. The CBI decided to conduct a deception test since despite intense interrogative, little evidence could be established. The two accused objected, arguing that the test would violate their fundamental rights as it amounted to self-inculpatory under Article 20(3) of the Indian Constitution. Nonetheless, the two accused were put through the deception test against their will.

Considering the above factual matrix, discuss the admissibility of the deception test report in question in the court. Also, share your thoughts on whether you believe that "The Narco analysis test or any deception test attracts the bar of Article 20(3). Cite relevant cases to substantiate your argument.

(Marks 10+10= 20)

Q2). Describe how the psychologist tended to marginalise the pivotal role of eyewitness testimony in the investigation and prosecution of crimes. Also, explain the significance of Forensic psychology in civil and criminal cases.

(Marks 20)

Q3). Define 'investigation' and outline the process of 'crime scene investigation.' Additionally, explain the significance of maintaining a 'chain of custody' during a crime investigation.

(Marks 10+10= 20)

Q4). By putting the lethal toxin in their food, Mr. Tim reportedly poisoned his wife and her family. The allegedly hazardous material, known as thallium, is said to act slowly and cause a variety of symptoms despite having no colour, taste, or odour. Which forensic scientific field, in your opinion, will be relevant for the investigation of the matter and why? Describe the discipline in question, along with its classification according to therapy.

(Marks 20)

Q5). Shiv, a wealthy single elderly man who resides in a luxurious home in Dehradun and has been having an affair with Mr. Subodh's wife Anju, is one of the retiring Brigadiers. After two years of dating, Anju claims Brigadier Shiv transferred some of his properties located in Rishikesh into her name. He disputes this claim and accuses Anju of perpetrating fraud despite the deed to the transaction bearing his signature. Hence, the legal issue.

Which branch of forensic science do you think the court will employ to ascertain the veracity of the signature and the document? Give a precise description of the discipline in question and identify the suitable equipment. Also, is it possible for one basic principle of forensic science to negate the significance of another?

(Marks 10+10=20)

Q6). Briefly explain the following queries:

- a). The scope of "Art" and "science" as enshrined in section 45 of the Indian Evidence Act, 1872 with the aid of pertinent cases.
- b). The Concept of "Opinion" with illustration and the Admissibility of expert opinion in the court of law.

(Marks 10+10=20)

