

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 5 | Issue 3

2022

© 2022 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at the **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

Role of Forensic Intelligence in Crime Analysis

SAPTARSHI ROY¹ AND KINNORIE SINGHA RAY²

ABSTRACT

The role of forensic intelligence begins with the investigation section. It analyzes the evidence gathered at the crime scene and establishes information acceptable to the court. The main objectives of this paper are to understand forensic intelligence in crime analysis, especially under the law of evidence and to explain the judicial development of the role of forensic intelligence in crime analysis. The paper contains laws relating to forensic intelligence, judgments regarding forensic intelligence in crime analysis, so the paper is relying on the secondary sources of data. The research comes to conclusion by believing that forensic intelligence is a very important and a useful tool in proving guilty or innocent. However, due to non-availability of proper technologies in our country, it's becoming a flaw.

I. INTRODUCTION

The forensic intelligence is basically a scientific study for investigation of crime and has all the components of science included into it. For example, physics helps us to figure out the pattern of a blood-spatter, biology helps us to know the cause of an unnamed culprit, chemistry helps us to identify the nature of the drugs and so on. The key components of forensic intelligence include a crime scene, then a preservation of the crime scene and recording of the crime scene.³

A crime scene is a gathering area for people involved in crime. The parties exchange some signs or marks with each other and with the scene, leaving strews of equipment, clothing and modes of transportation, as well as the marks of their hands and feet. For example, leaving a strand of the hair or tire markings behind, or leaving fingerprints behind. These are essential factors that would be taken care of by forensic science to determine who might have committed a crime. Therefore, a crime scene gives away a lot of information so that a crime can be proved to have occurred before the person can be convicted of committing that crime. The crime scene

¹ Author is a student at Xavier Law School, St. Xavier's University, Kolkata, India.

² Author is a student at Xavier Law School, St. Xavier's University, Kolkata, India.

³ 'LegalDesire', available at: <https://legaldesire.com/applicability-of-forensic-science-in-criminal-justice-system-in-india-with-special-emphasis-on-crime-scene-investigation/>, accessed 24 June, 2022

is also useful to assess the sequence of events and create a connection between the offender and the victim. Forensic Intelligence certifies and confirms the evidence so that judges can make the best decision possible based on the severity of the penalty as well as determining whether or not the offence was committed by the accused that was present.

II. FORENSIC INTELLIGENCE UNDER LAW OF EVIDENCE

The Indian Evidence Act, 1872 is a very important act under the Criminal Justice System. Criminal justice system is an essential measure that ensures the country's law and order. It is founded on four pillars which are legislature, enforcement, adjudication and corrections. The Legislature makes the law. If the law is violated, the law enforcement agencies would register and investigate the matter. After investigation, the matter will be sent to court for trial to determine whether the crime has taken place or whether the person in question is guilty of the crime. If the person is ultimately convicted, the punishment will be decided and sent for correction.

The role of forensic intelligence in crime analysis begins from the investigation. It analyzes the evidence gathered at the crime scene and establishes that evidence acceptable to the court. It is up to the law enforcement agencies to request assistance from forensic laboratories and to determine the veracity of the evidence as well as to link the perpetrator or victim to the crime scene. Under Section 45 of the Indian Evidence Act, 1872 the role of a forensic scientist is considered as an Expert Opinion. The responsibilities of a forensic Intelligence include aiding the investigating agency in discovering and collecting evidence at the crime scene and applying efficient assessment techniques to find the evidence, maybe physical or by tracing, and then preparing a report that contains the outcomes and has a hypothesis based on the test results of the laboratory analysis. This analysis is valid in court under section 293 of the Cr.P.C⁴. This section states that the government scientific expert examines and analyses the evidence. On the basis of the result, they form a report and submit it to the court. If the court considers it fit, the court summons the government scientific expert so that they come to the court and explain in front of the court about the examinations and their results. The court also understands properly and checks whether all the reports are considered accurate and also looks over whether the government scientific expert has handled the case properly or not.

When a court has to come with an opinion maybe on a foreign law or relating to science or related to art or on the identity of the handwriting or on the finger impressions, then the court can take the opinion from the expert who is skilled in all these field as per Section 45 of the

⁴ The Code of Criminal Procedure, 1973, § 293

Indian Evidence Act, 1872⁵. The opinion of an expert is a relevant fact when a court has to develop an opinion on a foreign law or of science or of art or on handwriting or fingerprint recognition. So, the relevant facts can also include any forensic lab report that comes like blood samples or urine samples or sperm samples to determine the unidentified perpetrator falls under the relevant facts. However, the law makes no mention about the significance of expert opinion. It is based on the court's discretion whether or not to consider expert opinion in a particular case. Nevertheless, the courts consider the fields of forensic intelligence, such as fingerprinting, blood tests and DNA analysis to be fully accurate.

III. CASE LAWS OF FORENSIC INTELLIGENCE IN INDIA

The forensic intelligence evidence has influenced the Indian court decisions. There have been numerous successful cases where forensic intelligence has been used. *Inspector of Police v. John David (2011)*⁶ is a fine example and a very interesting case. In this case, John David assassinated Pon Navarasu, who was in his first year of medical college, sliced up his body and scattered the parts all around Tamil Nadu. As a result, the forensic intelligence carried out the investigation and found all the body parts. Then, using DNA analysis, human identification, and other methods, they arrived at the decision that it matched with the victim. Justice has always been served through the use of forensic intelligence.

The case of *Mahavir Singh v. State of Madhya Pradesh (2016)*⁷ is a very recent and an important case. In this case, Jagannath Singh's brother, Gambhir Singh was having lunch at his house. While they were having lunch, the appellant along with a gang of co-accused came to his home to curse. They were all equipped with dangerous weapons. They got into an argument with Jagannath Singh. The appellant shot Jagannath Singh in the stomach when he protested his actions. Consequently, he fell to the ground and died. So, when giving the judgment by the Court, there was a conflict between ocular evidence and medical evidence. Although, there is always a prominence given to the ocular evidence in general. If the ocular evidence is supported by a trustworthy and a reliable witness, then that will have precedence over medical evidence. However, in many cases, the ocular evidence has been set aside by medical evidence which has been supported by the reports based on the circumstantial evidence. So, in some instances, preference is given over ocular evidence and in other instances, preference is given over medical evidence.

⁵ The Indian Evidence Act, 1872, § 45

⁶ *Inspector of Police v. John David*, (2011) 5 SCC 509

⁷ *Mahavir Singh v. State of Madhya Pradesh*, (2016) SCC Online SC 1250

In *Mukhtiar Singh v. State of Punjab (1972)*⁸, Karam Singh and his son, Sukhdev Singh were shot down on their field in Dhandari village area. The accused actually had a .32 caliber in his revolver and it was found that the bullet pierced the victim's skull and the bullet was actually fired from the same revolver that was recovered from the accused. So, here also the Court had accepted the reports or the evidence produced by the forensic intelligence. Also, *Dharam Deo Yadav v. State of U.P. (2014)*⁹ is a very crucial case. This case is about the horrific murder of a 22 year old girl named Diana Claire Routley, a resident of New Zealand. In this case, the advanced forensic intelligence tools were used for investigations such as DNA profiling which have been admired. This is because credible witnesses do not testify because of intimidation or hostility. However, it is recognized that, in a particular case, DNA testing may not be accurate, as it will depend on the quality of the test and whether the evidence obtained was kept contamination free.

IV. CONCLUSION

It is true that the Indian judgments have been affected by the evidence of forensic Intelligence. There are so many leading judgments where forensic Intelligence has been applied which have been discussed before. However, not only the bench, but also the bar, should keep up with the latest forensics developments. The Committee headed by Justice V.S. Malimath, in its 2003 report¹⁰, stated that the bar association needs to understand and learn the importance of skills, for example, the nature and scope of forensic in identification. Lawyers and judges should be open-minded to change because the benefits of technology should be fully utilized.

There are also some obstacles that limit the use of forensic intelligence in the Indian legal system. The main aim of forensic intelligence is to transform suspicion into a reasonable assurance of guilt or innocence. But there are certain times when the courts have to rely heavily on unscientific evidence due to lack of proper technology. Hopefully, with the growth of technology in the future, more examinations will depend on science and its specialists. Therefore, it will lead to a large number of cases which will be forwarded to the forensic laboratory for analysis. However, this does not mean that the Indian legal system is not dependent on forensic intelligence. There is a lot of reliance on forensic intelligence today. These forensic results actually assist the prosecution in effectively establishing the case.

⁸ Mukhtiar Singh v. state of Punjab, (1972) 4 SCC 843

⁹ Dharam Deo Yadav v. State of U.P., (2014) 5 SCC 509

¹⁰ Committee on Reforms of Criminal Justice System, 1 GOI MHA 250 (2003), https://www.google.com/url?sa=t&source=web&rct=j&url=https://www.mha.gov.in/sites/default/files/criminal_justice_system.pdf&ved=2ahUKEwjk_Yax0t70AhWc63MBHSqcCQoQFnoECAQQAQ&usg=AOvVaw2W-q8ywSMrSHOXDt42JqPH.

Overall, forensic intelligence has proven to be highly useful, but it must become more efficient in order to become a reliable piece of evidence.
