

Laws related to suicidal death PowerPoint (Product Activation Failed)

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3

4 CAUSES

5 RISK FACTORS

6

7

8

Biological, psychosocial and demographic factors

Depression
Schizophrenia
Addiction disorder
Family history
& past history of
suicidality
Dysregulated
serotonergic system

Early parental
loss
Isolation
Unemployment
Acute life
events

Older age
Male sex
Vulnerable
periods

Slide 7 of 8

Notes Comments



12:07

77%

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COMMON METHODS OF SUICIDE

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- Pesticide 30%
- Hanging



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LAWS

- Section 309 attempt to commit suicide
- Section 306 abetment of suicide
- Section 305 abetment in special cases

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LAW RELATED TO SUICIDE

- Section 309;attempt to commit suicide-----whoever attempts to commit suicide and does any act towards the commission of such offence ,shall be punished with simple imprisonment for a term which may extend to one year or with fine or with both .



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Slide 5

- Section 305;abetment of suicide of child or insane person
- If any person under eighteen years of age ,any insane person ,any idiot ,or any person in state of intoxication commits suicide , whoever abets the commission of such suicide shall be punished with death or imprisonment for life ,or imprisonment for a term not exceeding ten years and shall also be liable to fine .
- Section 306;abetment of suicide
- If any person commits suicide ,whoever abets the commission of such suicide ,shall be punished with imprisonment of either description for a term which may extend to ten years ,shall also be liable to fine .




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- Effort to prevent suicide have been celebrated on world suicide prevention day
- September 10th each year since 2003
- World suicide prevention day



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DYING DECLARATION

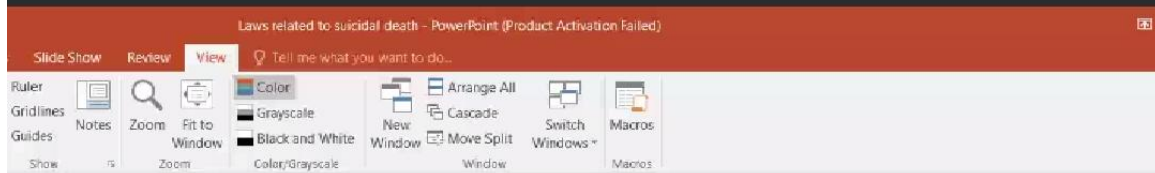
- Definition: A dying declaration is a statement, verbal or written, made by a person as to the cause of his death, or as to any of the circumstances which resulted in his death

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09:40 287 attendees



PROCEDURE OF RECORDING

The dying declaration, if possible, should be written by the person who is recording it. The statement

- should be recorded in the man's (dying man's) own words and in the language in which the person prefers to speak. It must be recorded in the presence of two or more witnesses.
- No addition of words or phrases should be made or altered. No suggestions should be made and no undue influence must be placed on the person.
- No information must be sought by asking leading questions

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- Such statements are relevant whether the person who made this was expecting death or not.
- Main thing is that if these declarations seem trustworthy to courts these retain their full values.
- Most important point of consideration is that victim was in a fit condition of mind to give the statement when recording was started and remained in fit condition of mind till the recording of the statement finished.

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Headset

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- Merely stating that patient was fit will not serve the purpose. This can be best certified by the doctor who knows best about the condition of the patient.
- But even in conditions where it was not possible to take fitness from the doctor, dying declarations have retained their full sanctity if there are other witnesses to testify that victim was in such a condition of the mind which did not prevent him from making statement.

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- Best form of dying declaration is in the form of questions and answers. If it is in the form of narrations it is still good because nothing is being prompted and every thing is coming as such from the mind of the person making it.
- If a person is not capable of speaking or writing he can make a gesture in the form of yes or no by nodding and even such type of declaration is valid.

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- What questions are asked and what answers are given by the patient those should be written.
- It is preferred that it should be written in the vernacular which the patient understands and speaks.
- It is best that it is recorded by the magistrate but if there is no time to call the magistrate due to the deteriorating condition of the victim it can be recorded by anybody e.g. public servant like doctor or any other person.

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- If the person making it is imbecile or is of tender age and was incompetent to testify due to this reason, that dying declaration would not be valid.
- As a measure of safety original dying declaration should be sent to the court like FIR and its Photostat should be kept in the case file.

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- In the absence of such conditions if there is thumb impression and this is not witnessed by disinterested persons a doubt may be created whether this was done after the person died to take revenge by some interested person.
- There is usually no time limit that dying declaration becomes invalid if the person died after many months after making the declaration.

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- Cases are on record when it was considered valid after 4 months.
- Even the HISTORY given by the injured recorded by the doctor in the case file has been considered as dying declaration by the honorable Court if it is mentioned that the patient told in the history that incident occurred in such and such manner which was responsible for the death of the victim

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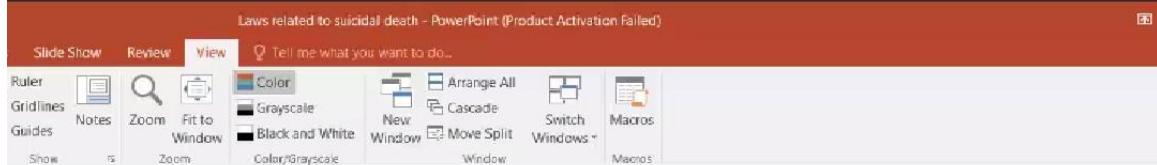
- Hence it is important that if such history is written as narrated by the victim it should be recorded carefully, keeping in mind the mentioned finding of the court.
- First information report got recorded by the police has been taken as dying declaration by the honorable Supreme Court, when the person did not survive to get his dying declaration recorded.

Notes Comments

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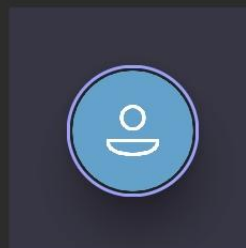


73%



- But when patient remained admitted in hospital for sufficient days i.e. for 8 days FIR cannot be treated as dying declaration.
- A suicidal note written found in the clothes of the deceased it is in the nature of dying declaration and is admissible in evidence under section 32

Notes Comments



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- But when patient remained admitted in hospital for sufficient days i.e. for 8 days FIR cannot be treated as dying declaration.
- A suicidal note written found in the clothes of the deceased it is in the nature of dying declaration and is admissible in evidence under section 32

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71%

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- Keeping in view the above mentioned opinions of various courts it is suggested that whenever dying declaration is to be recorded it should be recorded very carefully keeping in mind the sanctity which the courts attach to this piece of evidence.

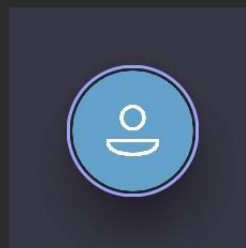
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- No oath is administered while recording a dying declaration since it is believed that the dying person tells the truth only .



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- While recording a statement if the person becomes unconscious, the doctor recording it must record as much information as he has to obtained and sign it.
- If the person prefers to write the statement himself then the statement should be signed and attested by witness.
- If the person is unable to speak and can only make signs in answer to questions put to him then the questions and signs can be recorded as verbal statement.
- The dying declaration should be forwarded to the Magistrate in a sealed envelope
- No leading questions are asked.

Notes Comments



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A dying declaration is accepted in court as evidence after the death of a person who made it. However, if the declarant (person who make the statement) survives , the declaration is not admitted as dying declaration but the declaration has corroborative value.

There is usually no time limit that the dying declaration becomes invalid if the person died after many months after making the declaration .

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31 This has been summed up the Supreme Court:

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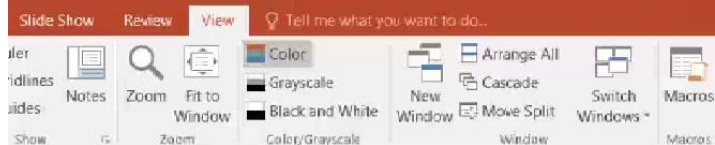
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1. It is for the court to see that dying declaration inspires full confidence as the maker of the dying declaration is not available for cross examination.

2. Court should satisfy that there was no possibility of tutoring or prompting.



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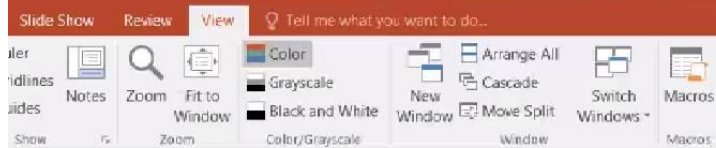


- 3. Certificate of the doctor should mention that victim was in a fit state of mind. Magistrate recording his own satisfaction about the fit mental condition of the declarant was not acceptable especially if the doctor was available.
- 4. Dying declaration should be recorded by the executive magistrate and police officer to record the dying declaration only if condition of the deceased was so precarious that no other alternative was left

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- 5. Dying declaration may be in the form of questions and answers and answers being written in the words of the person making the declaration.

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DYING DEPOSITION

It is a statement or deposition made by a dying person on oath in a sound state of mind, recorded by the Magistrate in the presence of accused or his lawyer who has opportunity to cross examine the dying person .

- Dying deposition has more value than dying declaration in the court as it is recorded by the Magistrate in presence of accused.



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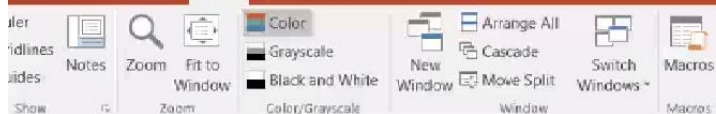
- It must be conducted by a magistrate ,never by a doctor or police officer
- Accused or his lawyer is present there
- At first the doctor has to certify about the mental soundness of the person
- Then the victim is to take oath
- Deposition should be recorded in patients own words
- The accused or his lawyer has the opportunity to cross examine the victim
- After writing the statement ,it is read over the victim
- The signature of the victim is taken
- The signature of the magistrate ,accused or his lawyer is also taken

Notes Comments



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- It must be conducted by a magistrate ,never by a doctor or police officer
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- Difference between dying declaration and dying deposition are given in tabulated form

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DIFFERENCE BETWEEN DYING DECLARATION AND DYING DEPOSITION

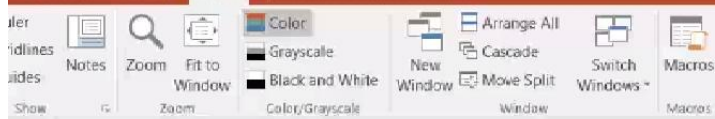
<i>Dying declaration</i>	<i>Dying deposition</i>
1. Recorded by magistrate or doctor or investigating officer	1. Always recorded by magistrate
2. No oath is administered	2. Oath is administered
3. Inferior to dying deposition	3. Superior to dying declaration
4. Accused or his lawyer is not necessary while recording a statement	4. Statement is always recorded in presence of accused or his lawyer
5. No cross examination	5. Cross examination is allowed
6. Has corroborative value if patient survives	6. Retains full legal value even if the person survives

Notes Comments

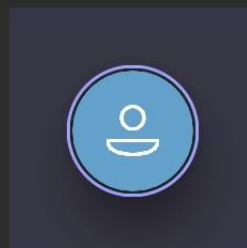


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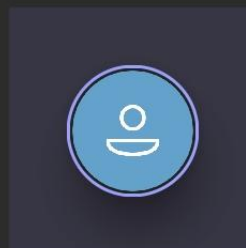
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- Medico legal reports are documents prepared and issued by doctor on request of investigation officer (magistrate, judge or a police officer) in connection with some civil or the criminal cases
- Examples of Medicolegal reports;
 - Postmortem report
 - Injury report
 - Reports on rape /sexual offence etc. .

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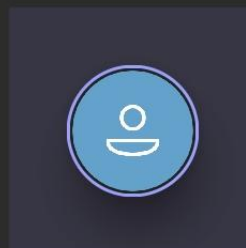
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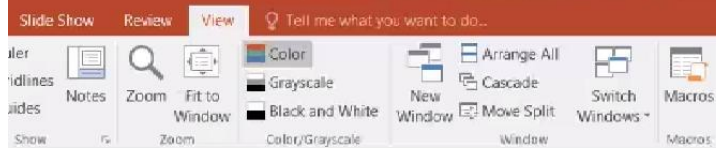


- If a medical officer finds any difference between his observation and docket he should report back and write to SP of the district.
- A medical officer should describe the injuries in such a way that he should be able to conclude four things at the end.
 - Nature of injury
 - Age of the injury
 - Weapon used
- If possible, manner of causation (Homicidal, suicidal or accidental)

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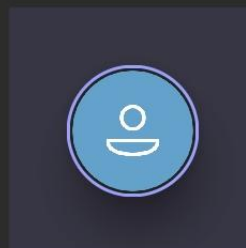


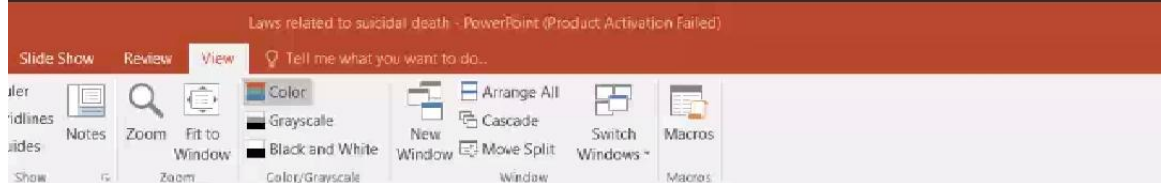
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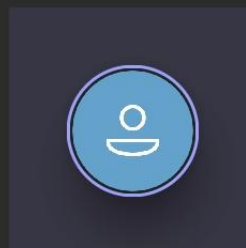
- Generally these reports are made of three parts.
- Introduction 1st part
- Examination 2nd part
- Opinion 3rd part

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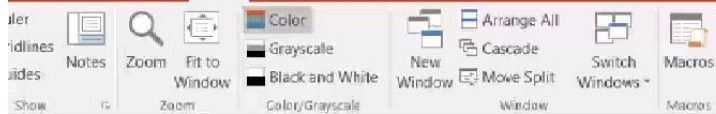


- 1.The 1st part ;it contains –
 - Particulars of victim
 - Particulars of police
 - Date time and place of examination
 - Consent for examination
 - Identification marks
- 2.The 2nd part /body of report ;facts observed in examination
- The 3rd part /opinion ;opinion of a doctor drawn from the finding



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preliminary data suggest

- Age
- Sex
- Address
- Identification marks
- Date and time of examination
- Docket no
- No and name of constable
- CNIC

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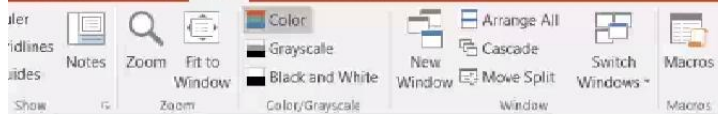
findings observed and recorded by doctor in the report are e.g.

- No
- Nature of injury
- Size
- shape
- site
- pattern of injury
- depth of injury
- condition of overlying skin muscle and bone

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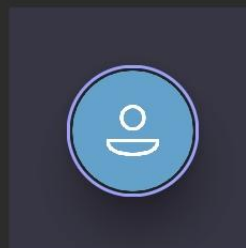
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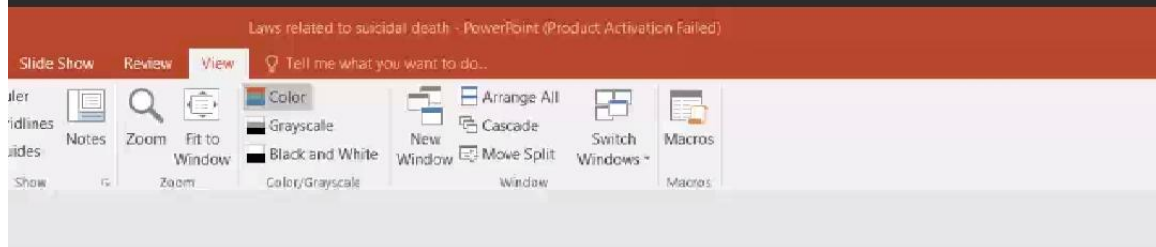


OPINION

Consist of opinion drawn by the doctor from medical examination.

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Yearly Serial No.	Name _____ S/o _____ Age _____ Sex _____ Caste _____ Occupation _____
	Residence _____ Name of relative or friend _____ date of Examination _____

Date and hour of arrival _____
 No and date of police docket _____
 No and name of constable _____

PARTICULARS OF INJURES OR SYMPTOMS IN CASE OF POISONING

If admitted Date of Admission _____
 Date of discharge _____

(Space for particulars as to further reference to the
 Case-date of giving evidence in the Court; of dispatch
 Of articles said to contain poison)
 Two identification marks:-

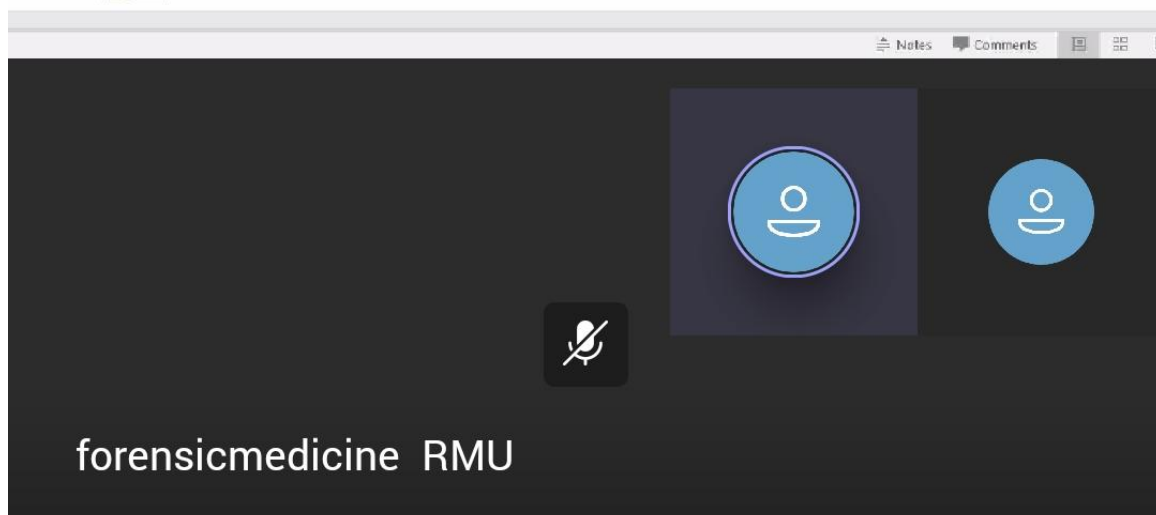
Nature of injuries Probable duration of injuries	The Kind of weapon use or poison suspected
In police case No fee received	In private case a fee of Rs. _____ paid to medical Officer

Dated ____ of ____ 200 Examination Medical Officer

Signature/thumb impression of the
Private party

Examination Medical
Officer

Topic 9



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Section	Offence	Nature of injury
334	ITLAF – I – UDW	Amputation of limb or organ. Note: fingers or teeth are not an organ, whole jaw is an organ.
336	ITLAF – I-SALAHYAT – UDW	Permanent disfigurement or loss of power of an organ
337-A	SHAJJAH	Injury to head and face
337-A (i)	SHUJJAH - I-KHAFIFAH	Hurt, bone not exposed
337-A (ii)	SHUJJAH - I- MUDIHAH	Hurt, bone exposed
337-A (iii)	SHUJJAH - I- HASHIMAH	Fracture of bone without displacement
337-A (iv)	SHUJJAH - I –MUNAQQILAH	Fracture of bone with displacement
337-A (v)	SHUJJAH - I- AMMAH	Fracture of skull bone, meninges exposed
337-A (vi)	SHUJJAH - I –DAMIGHAH	Fracture of skull bone, meninges ruptured

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Section	Offence	Nature of injury
337-C	JAIFAH	Injury extending to body cavity
337-F	JURH GHAYR – JAIFAH	Injury to the body excluding head and face
337-F(i)	DAMIAH	Abrasions or superficial cuts
337-F(ii)	BADIAH	Sharp edge injury causing damage to skin & muscle
337-F(iii)	MUTALAHIMAH	Blunt weapon injuries causing laceration of flesh
337-F(iv)	MUDIAH	Injuries in which bone is exposed
337-F(v)	HASHIMAH	Fracture of bone without displacement
337-F(vi)	MUNAQQILAH	Fracture of bone with displacement

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- The report should be written with the great care and should bear the signature, name and stamp of examining doctor.
- Any exhibits e.g clothes or weapons should be described in detail with appropriate diagrams/sketches.
- Whenever applicable these articles should be properly sealed labeled and return to the investigation officer as early as possible.

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