

# Panchanama

- The word Panchanama is not used as such or defined particularly anywhere in any book of Law, but the same can be read into **Section 100** under Chapter VII of The Code of Criminal Procedure, 1973, (Cr.P.C.). The said Section 100 (*with portions highlighted in bold alluding that an Investigating Officer is bound to make a Panchanama*)

## **Reason behind the word " Panchanama " –**

- In the ancient judicial system in India, the justice system at the lowest rung, i.e. village level, which is still the case in in certain kinds of issues, was in form of *Panch*, which is a group of 5 elected learned members of the village who would preside and decide over a dispute amongst the villagers. In the said system, the proceedings before the Panch that were recorded on paper, was often called as a Panchanama
- from this practice, the word was adopted for a document prepared by the investigating officer noting the facts and proceedings of an investigation.

# **What is the need of the Panchanama? -**

- **Panchanama is one of the essential parts of criminal as well as civil investigation procedures.**
- **In criminal investigation it is used to support evidence of the investigation conducted at the crime scene, seizure if any from accused, identification of accused etc.**
- **In civil cases it is used to show that the decree has been executed by handing over possession of the property as directed in the decree.**
- **The provision of the Panchanama is made to convince the Court that the Officer-in-charge has in fact carried out the investigation, search, or any seizure or have acted upon the directions of the Court if so directed.**

# Contents of Panchanama -

- There is no guidance or prescription about the contents of Panchanama under CrPC or any other statute.
- The witnesses are called "Panchas". It is to be noted that the Panchas are to be two or more independent and respectable persons i.e. persons who are not of disrepute.
- If there is no eyewitnesses to an offence and the case is totally based on circumstantial evidence, then such a Panchanama is of immense value.
- The Panch (witness) can refresh his memories while giving evidence in the Court as per section 159 of the Indian Evidence Act, 1872.

**Following things can be said to be important to be incorporated in a Panchanama:**

- **Name and Place of Police Station or any other Authority conducting the same**
- **Name, age and address of Panchas (Witness)**
- **Record of time when it was commenced and when ended**
- **Name and Rank of the officer conducting the Panchanama**
- **Details of particular place or persons**
- **Signature of the officer and all the panchas**
- **Details of the seizure if any**
- **Details of the place where panchanama is to be done.**

# Kinds of Panchanamas-

- **Spot Panchanama**
- **Seizure Panchanama**
- **Inquest Panchanama**
- **Memorandum Panchanama**
- **Arrest Panchanama**

# Spot Panchanama -

- This panchanama is generally drawn by Investigating officer (IO) when he visits the crime scene.
- This Panchanama contains details of the crime scene during the visit of the IO and the Panchas (Witness).
- The details may include description of the place, how big or small the place is if it's a room, whether it's an isolated place or a public space with open sky.
- The position of the things lying in the room/spot/place - for instance if the allegation is of murder then the Panchanama shall consist of the details of where the dead body of victim was lying, the weapon of the crime is lying anywhere at the spot, other articles lying at the spot, the condition of the room, the light in the room, etc. all these things shall be noted in the panchanama for effective corroboration during the time of Cross Examination of the Pancha Witness.

# Seizure Panchanama -

- As the name suggests, this Panachnama is drawn when the IO seizes some articles from the accused person or from any other person at the crime scene and/or articles seized from the crime scene or from any other place.
- There can be number of seizure Panchanamas in one single case depending on the articles seized from several spots/places.



# **Inquest Panchanama -**

- **The inquest Panchanama has to be done in accordance with Section 174 of the Cr.P.C., when any person dies under any suspicious circumstances, i.e. suicide, murder, accident etc.**
- **In this Panchanama, the details of how the dead body was lying and descriptions such as of any mark of injuries found on person of deceased, apparent cause of death or by what weapon or instrument such marks appear to have been inflicted are to be mentioned.**
- **This Panchanama helps to find out whether at the first sight of dead body it can be gathered that cause of death is unnatural.**

# **Memorandum Panchanama**

**(Also known as "Nivedan Panchanama" in Maharashtra.) -**

- **As per Section 25 and 26 of the Indian Evidence Act, 1872, any statement made before the Police Officer has no value and is not admissible before the Court.**
- **But exception to Sections 25 & 26 are given in Section 27, which states that if any information/document is received from the accused or any discovery is made on account of accused, then such fact(s) can be placed before the court. The statement made by the accused is recorded before the Pancha (Witness) while the accused is in police custody. The accused mostly informs the Police in front of the witness, any information he has about the crime in question, which can be the location of the hidden weapon, or other articles used in the course of crime, he may even admit of committing the crime. These Panchas (Witnesses), before whom the Memorandum Panchanama is drawn, will be summoned to court during course of evidence in order to prove that such a confession of the accused was made in their presence by the accused.**

# **Arrest Panchanama -**

- **As the name suggests, this Panchanama is drawn when the suspected person/ accused is arrested by the police. It notes the appearance of the accused when he was arrested, his identification marks and articles found with him. Details of the clothes he is wearing etc. This helps in identifying the accused when he is produced in the Court.**

# *Panchanamas in Civil Law*

- 1. Panchanama of execution of Decree** - In civil law the Panchanma is made by the Decree Executing officer like the Court Receiver, Official Liquidator, Thalsildar, Thalathi. When the decree of handing over the possession is executed the panchanama is to be drawn in from of the decree holder bearing his/her signatures. This panchanma notes details of condition of the property while giving the possession, the time and date when the process of possession handing over started. The same is to be made in front of at least 2 Panchas (Witnesses). A report along with the said Panchanma has to be submitted to the Court informing that the said decree has been executed.
- 2. Panachnama of Inspection of Sealed Property** - This kind of Panchanama is drawn when the Court instructs for inspection of a property which has been sealed by its order. Such a process is conducted under the supervision of an officer from the office of the concerned department who has been directed to conduct such an act of sealing the property. This Panchanma will note the name of the persons represented by the sides, the details that the seal has been broken, and the condition of the property from inside and the details of the inspection taken. It will be signed by the representative of the parties to the litigation as well as by the Panchs (Witnesses).
- 3. Panchanama under Food Adulteration Act** - The Food Inspectors in order to give authentication to their act of inspection of restaurants, godowns, shops etc prepare a Panchanama in presence of 2 Panchas (Witnesses) and conduct all the actions in their presence.

- **TEST IDENTIFICATION PANCHANAMA :** When accused persons are unknown to victim then they are shown to victim for identification. There is certain procedure prescribed in law for conducting such identification parades.
- **SPECIMEN PANCHANAMA:-** When specimen of signatures or specimen of handwriting accused is taken by investigating officer, such specimen is taken in presence of panchas and this type of panchanama is drawn.
- **VEHICLE INSPECTION PANCHANAMA:-** This panchanama can be found in accident cases. In accident cases the vehicle is inspected by investigating officer and panchanama is drawn.
- **PRE-TRAP PANCHANAMA:-** This panchanama is prepared prior to conducting raid by the police officers. Specially this panchanama can be found in Prevention of Corruption Act cases. After raid generally post trap panchanama is also drawn.
- **Panchnama for service of summons, notice, refusal to sign statements etc. by way of pasting on the walls, gates, etc.,**

# Other panchanmas

- Panchanamas prepared upon inspections and raid under Forest Act, under IT Tax Act, under Essential Commodities Act, etc.
- It is necessary to draw a Panchanama of the inspection or raid conducted in order to prove in the Court of Law or Other Authority that the said raid and inspection has been conducted in appropriate manner and to authenticate the information recorded therein under the signatures by the Panchs (Witnesses) to such raid and inspection.

## Seizure Panchnama:

While seizing the documents, the procedure as given below should be adopted :

- All loose documents should be signed by the witnesses.
- Each page of all exercise books registers, etc. must be numbered and the pages containing writing must be signed by the witnesses. The number of written pages and the pages should be separately indicated in the documents.
- The first and last pages in the register, the exercise books, etc. must be signed by the witnesses.
- The seizing officer will also cause all seized goods to be properly sealed with seal as well as the seal of the owner (if any) if he so desires.

- Care must be taken in recording in the Panchnama all relevant & precise details of the incriminating goods including valuables, currency notes or documents recovered and seized during the search. The denominations of currency & total amount, details of valuables or other contraband goods (with identification marks, wherever possible), both in quantity and value terms and the manner of packing / sealing of the goods seized, should be clearly mentioned in the Panchnama, to avoid any controversy of the actual contents / value in different seized packages, at a later date;



- A Panchanama is a record of what the Panchs (Witness) see and the same can be proved only when the said Panchs stand in the witness box and testify on oath as to what they saw during the Panchanama.
- The main intention behind conducting Panchanama is to guard the case from unfair dealings on the Part of the Officers.
- The Panchanama can be used as a corroborative piece of evidence. It cannot be said to be a substantive piece of evidence, and hence relying only on the Panchanama in absence of any substantive evidence cannot attract conviction.
- In case no Panchs (Witness) are available when required, the Officer-in-charge shall conduct the search and seize the articles without Panchs (Witness) and draw a report of entire such proceedings which is called a Special Report.

# Inquest:

- Inquest implies legal or judicial inquiry to ascertain the matter of fact about case of death, which is apparently not due to natural causes.
- Inquest is necessary to apprehend and punish the offender. It is a sort of preliminary inquiry into the cause of a sudden, suspicious and unnatural death, known as inquest.
- An inquest is a fact-finding inquiry, conducted by an appointed authority with or without a jury, to establish reliable answers regarding identity of the deceased, place and time of his death

# Inquest – A procedural safeguard

The law of crimes requires a case to be built by the prosecution which puts the guilt of the accused beyond reasonable doubt. A number of procedural safeguards, therefore, are inbuilt in the run-up to the trial to ensure that none of the steps leading to determination of guilt of the accused are hushed up and rather the State machinery works in an efficient manner.

Preparation of the inquest report is conducted under the CrPC as a record of crime which even though not a substantive piece of evidence, is an important basis for determining the commission of the offence.

# Inquest by Police Officer

- When the unnatural death of a person is reported in the PS, the Police Officer after registering the case has to proceed to the scene of crime, where the dead body is found, observe the scene by preparing an observation mahazar, draw a rough sketch, take photographs, seize all the material objects found in the scene of crime, and examine the witnesses. While conducting inquest also, he is required to examine the vital eyewitnesses and/or close relatives of the deceased and record their further statements, if they have been already examined, in the presence of Panchayatdars witnesses.

- **The dead body shall be minutely described as to where exactly the body is found, its landmark, the direction from the PS, the direction in which the head and foot of the deceased is found, whether the body is found with dorsum upwards or not, whether the eyes are closed or opened, whether the tongue is protruding out or not, the description of the clothes worn by the deceased, and above all the injuries found on the person of the dead body are to be elaborately described in the inquest report.**
- **Describe such wounds, fractures, bruises, and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument, if any, such marks appear to have been inflicted.**
- **The report shall be signed by such police officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate**

- Remember that the inquest shall be conducted only in the place, where the dead is found. If the body is found in a forest or near a railway track or if it is kept in the mortuary of a hospital, the IO shall go to such place along with the witnesses and conduct inquest.
- In the case of dowry death or in cases, where conducting of inquest by the Executive Magistrate is mandatory, the inquest shall be conducted in the place, where the dead body is actually found. There are instances, wherein the overzealous Police Officers move the dead body to the mortuary and then request the Executive Magistrate to conduct inquest in the hospital. It is quite against the object and intention of the legislature and highly deprecatory.

- The inquest shall be conducted only in the place, where the dead body is found. Suppose, the dead body is severed into number of pieces and thrown in more than one place, the IO shall conduct inquest in each of the places separately and individually, where the parts of the dead body are found, irrespective of the fact that all those parts belong to one and the same deceased.
- Suppose, number of dead bodies is found in a single-murder scene, the IO shall conduct individual and separate inquest with regard to each of the dead bodies, though they are found in a single place. But the Panchayatdars witnesses need not be different in each such inquest.

- Suppose, a person is kidnapped from place 'A' and his dead body is found in place 'B', the Officer in place 'B' is also empowered to conduct inquest after registering a case in his jurisdiction. After completion of inquest and sending the dead body for post mortem and after ascertaining the jurisdiction, he may transfer the case to concerned PS, where the case was originally registered or he himself take of the investigation. The Police Officer, in whose jurisdiction the case was originally registered, is not barred from taking up the investigation in other's territorial jurisdiction and conduct inquest as he is authorised under Section 179 CrPC.



# Witnesses in Inquest Proceedings

- Section 175 (1) CrPC stipulates that it is sufficient if two or more witnesses attend the inquest proceedings
- The witnesses shall not be from close or blood relatives of the deceased and it is preferable if they are independent and belong to different communities

- The IO or the Magistrate may cite all the names of the eyewitnesses and accused in the inquest report. Even if it is not so done, it may not be fatal to the prosecution. But, the IO is expected to state all the injuries with descriptive particulars and apparent cause of death.

- In all ordinary cases of suicide, accidental death, etc., where the inquest was conducted by the Police, the inquest and along with other relevant statements shall be sent to Executive Magistrate for taking further action.
- In all cases of pure homicide (even when there is dowry harassment), the investigating Police Officers shall forward the inquest report along with other relevant statements to the jurisdictional Judicial Magistrate and only a copy of such may be sent to the jurisdictional Executive Magistrate for his information and further action.

- If the respectable witnesses so required to attend and witness refuse to attend the inquest even after written order from the IO, they are liable under Section 174 IPC.
- 174. Non-attendance in obedience to an order from public servant.—Whoever, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order or proclamation proceeding from any public servant legally competent, as such public servant, to issue the same, intentionally omits to attend at that place or time, or departs from the place where he is bound to attend before the time at which it is lawful for him to depart, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both, or, if the summons, notice, order or proclamation is to attend in person or by agent in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

# Inquest by the Magistrate (Section 176 Cr.P.C)

- When any person dies while in the custody of the police or when the case is of the nature referred to in clause (i) or clause (ii) of Sub-Section (3) of section [174](#), the nearest Magistrate empowered to hold inquests shall, and in any other case mentioned in Sub-Section (1) of section [174](#), any Magistrate so empowered may hold an inquiry into the cause of death either instead of, or in addition to, the investigation held by the police officer; and if he does so, he shall have all the powers in conducting it, which he would have in holding an inquiry into an offence.

## **Section 176 in The Code Of Criminal Procedure, 1973 - Inquiry by Magistrate into cause of death**

- **When any person dies while in the custody of the police or**
  - **When the case is of the nature referred to in clause (i) or clause (ii) of sub- section (3) of section 174],**
- **the nearest Magistrate- empowered to hold inquests shall, and in any other case mentioned in sub- section (1) of section 174, any Magistrate so empowered may hold an inquiry into the cause of death either instead of, or in addition to, the investigation held by the police officer; and if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence.**

# Custodial Deaths

- **Section 176 (1A) was inserted in the CrPC in 2005, mandating an enquiry by judicial magistrate or metropolitan magistrate in cases of death, rapes and disappearances in custody; such enquiries were done by executive magistrates before 2005.**
- **In those cases where death occurs in custody and there is some material to show that an offence has been committed, the enquiry is to be conducted by a Judicial Magistrate or a Metropolitan Magistrate**
- **But in other cases where the death appears to be natural or caused by some disease and there is no allegation of an offence having been committed, the enquiry can be made even by an Executive Magistrate**
- **The revised NHRC order says probe will be held in all cases of custodial deaths by a judicial or metropolitan magistrate.**
- **NHRC has said – “...in three circumstances viz. death, disappearance or rape alleged to have been committed on any woman within the police or judicial custody, there must be an inquiry to be conducted by the Judicial Magistrate or Metropolitan Magistrate, in whose jurisdiction, the incident has taken place.”**

# Suicide by a woman within seven years of her marriage

- Section 174 (3) of the CrPC
- When the case involves suicide by a woman within seven years of her marriage; or the case relates to the death of a woman within seven years of her marriage in any circumstances raising a reasonable suspicion that some other person committed an offence in relation to such woman; or the case relates to the death of a woman within seven years of her marriage and any relative of the woman has made a request in this behalf; or there is any doubt regarding the cause of death; or the police officer for any other reason considers it expedient so to do, he shall, subject to such rules as the State Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other qualified medical man appointed in this behalf by the State Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.



- In alleged dowry death cases, the duty of the Executive Magistrate, when conducting inquest, is to ascertain the apparent cause of death and more specifically whether there was any dowry harassment prior to the death or not.
- This is to give more reliability and evidentiary value for the statements of witnesses recorded by the Executive Magistrates and to ensure that those, who are guilty of harassing the wives for extracting dowry are given deterrent punishment.
- The Executive Magistrates need not state that under what Sections of Law the accused has committed offences. It is the duty of the IO to probe further and decide whether it is a mere dowry death under Section 304-B IPC (Dowry death) by committing suicide as a result of dowry harassment or dowry death and homicide under Sections 304-B IPC and 302 IPC, where the victim is done to death as a result of dowry harassment or a mere homicide under Section 302 IPC, where the victim is done to death and there is no dowry harassment.

# Section 304B in The Indian Penal Code

- (1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death. Explanation.—For the purpose of this sub-section, “dowry” shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).
- [\(2\)](#) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.]

# Buried dead bodies

- Police Officers are authorised to hold inquest only when the dead body is found on the surface of the earth.
- If the dead body is already interred after observing all religious rites, he is not allowed to disinter the dead body and hold inquest. Only Executive Magistrates are empowered to disinter dead bodies and conduct inquest as per Section 176 (3) CrPC
- Disinterring a dead body, which is already buried under the earth either in a coffin or otherwise after performing religious rites is different from the retrieval of a dead body, which is buried by the accused under the earth in order to conceal such dead body or evidence. If an accused murders a person and buries the dead body in some place other than the crematorium or authorised burial ground, it amounts to concealment of evidence by the accused and in such a situation, the Police Officer is authorised to retrieve such dead body from the earth (which will amount to discovery of a fact, if it is done in consequence to the confession given by the accused) and he may conduct inquest by himself and need not request the Executive Magistrate to disinter such dead bodies for conducting inquest.

- After the inquest is over, the IO shall take utmost care in handing over the valuables and other belongings found on the dead body to the relatives. In cases of dowry death, the valuables and other articles found on the deceased woman may be handed over to the deceased's parents and not to the husband as per Section 6 of the Dowry Prohibition Act 1961.
- After the inquest is over u/s 176 (1A) Cr. P.C., the Executive Magistrate shall dispatch the dead body to the nearest Civil Surgeon for conducting autopsy to find out the apparent cause of death within 24 hours.
- When the dead body is sent for post mortem, the IO shall send a requisition to the Civil Surgeon, along with a report containing the history of the case, post mortem form, and death report in the prescribed format. The IO may also indicate the points, he wants to be clarified.

- After the autopsy is over, the IO may ensure that the dead body is released to the relatives quickly without any dragging and hanky-panky, so that the grief of the relatives may be lessened by his assistance.
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- In case of dowry death, wherein inquest was conducted by the Executive Magistrate, the IO shall receive such inquest report and other statement of witnesses from the Executive Magistrate and forward the same to the jurisdictional Judicial Magistrate and the Executive Magistrate is bound to give such report within a period of 15 days from the date of conducting such inquest.

- **In case of a natural calamity like building collapse, earth quake, tsunami, flood, fire accident, or explosion, there may be many dead bodies in a particular Police jurisdiction and a single investigating Officer may not be able to conduct all the inquests in his area and it may take more days to complete. Keeping several dead bodies at a scene for a long time may culminate in unforeseen problems like protests from relatives, deterioration in the condition of the dead bodies, loss of valuable evidence, etc. In such circumstances, the IO may authorise in writing few of his subordinate Officers or neighbouring Officers to hold inquest on his behalf and after receipt or related incidents, where there are mass deaths, inquests shall be conducted in respect of each of the dead bodies, but post mortem need not be conducted over all the dead bodies. Since, the cause of death such as earthquake, flood, tsunami, major fire accident, etc. is well known, the IO may give requisition to the District Magistrate (Collector or Commissioner of Police) to authorise conducting of sample post mortem with regard to one or two dead bodies. After getting authorisation, the IO may give requisition to Medical Officer to conduct autopsy with regard to one or two dead bodies and their findings may be made applicable to all other cases of such deaths in the same incident.**

Should not the SHO obtain the permission of the Executive Magistrate for holding inquest of the dead body of a person believed to have died an unnatural death ?

- No.
- The obligation of the SHO is only to intimate the Executive Magistrate empowered to hold inquest.



**Does the Police IO have the discretion not to send the dead body for post mortem examination in a case where he entertains no doubt regarding the cause of death ?**

- No, after the amendment of sub-section (3) of Section 174 Cr.P.C. with effect from 23-12-1983**

The Police IO while inquiring suicide or suspicious death, find out that no offence has been made out. He files a final report before an Executive Magistrate and close the entire case without even intimating the victim or complainant and the judicial magistrate concerned. Is it proper?

- **It is erroneous and is in violation of the provisions of the Code of Civil Procedure (CrPC)**
- **The police, on receipt of an information about the suspicious death, shall register an FIR under Section 174 of CrPC and thereafter proceed to the scene of occurrence to prepare an Inquest Report and a rough sketch of the place of occurrence in the presence of two or more reputable inhabitants of the neighborhood.**
- **The police should submit both documents before an Executive Magistrate to enable him to hold an independent inquest, the report of which shall be added to the investigation file. “The police, on the conclusion of the investigation, shall file a Final Report only before the jurisdictional Magistrate and not before the Executive Magistrate.**
- **This will apply, in both cases, whether the Final Report (FR) is a positive report (meaning that death not caused by suicide) or is a Closure Report.**
- **In case of closure report, a notice should be served to victim enabling them to file protest petition if they wish.**

**Are post-mortem report and inquest report “public documents” and is the accused entitled to inspect or receive their copies during the stage of investigation?**

- No. They are not public documents and the accused is not entitled to inspect or receive copies of those reports during the stage of investigation.**
- Accused will be entitled to copies in the interests of fair trial, but only at the proper time**

## **CUSTODIAL DEATH**

- Videography is compulsory
- Guidelines framed by NHRC for videography for postmortem examination.
- Prompt communication of incident of custodial deaths /rapes in Juvenile Homes / Institutions to NHRC & MHRC – within 24 hrs.
- Special comment on whether there has been any medical negligence.
- Copy of FIR, P.M. report to be sent.
- If initial inquest indicates foul play, inquiry by Judicial Magistrate to be done
- The general diary, connected case diary, Lock-up Register, all other relevant records and documents to be inspected.
- Sentry in duty during the period and the co-prisoners to be examined.
- Deposition to be taken in a separate room (in absence of police).
- List of inmates of Correctional Home if prepared well ahead – not to be taken.
- Don't over-write or make correction in deposition.
- M.O. of the Home to be interrogated
- Medikit Register to be inspected.

**Statements to Police are not to be signed. Therefore, are not the statements in the inquest report as to what the Police IO saw and found on the dead body, hit by Section 162 Cr.P.C?**

- **No. What is hit by Section 162 Cr.P.C is only that statement of the SHO made in the inquest report as to what he heard or gathered from others. What he actually perceived by his senses from the dead body, is not hit by Section 162 Cr.P.C**

## Inquest Report u/s 176 Cr.PC

(To be used by the competent Executive Magistrates in case of unnatural, sudden or suspicious death within the meaning of sec.174(1) Cr. P.C.)

- 1) Date, time and place when and where the Magistrate received the intimation u/s 174(1) Cr. P.C. about the death.
- 2) The substance of the information obtained by him and from whom.(You may take the assistance of the police officer reporting the death with a view to informing the relatives of the deceased as required u/s 176(4) Cr. P. C.
- 3) The place where the body of the deceased was found.
- 4) Inquest. (a) Commenced at.....(time) on.....(date) (b) Closed at.....(time) on..... (date)

- 5) Dead body identified by (their names and essential particulars),  
Relatives may Identify, If relatives are not available those who had known the deceased may identify.
- 6) Marks of identification, if any, such as moles, scars etc.
- 7) Name parentage, sex, age, caste and residence of the deceased.
- 8) Relatives, if any, present at the inquest (their names, addresses and relationship with the deceased)
- 9) Names and other necessary particulars of two local and respectable witnesses in whose presence the inquest was held. (It is not mandatory but desirable)

10. Description of the corpse (after close observation of all parts of body in good light, generally under sunlight during day time), cavities such as those pertaining to nose, ear, mouth, vagina etc should be closely examined.

Note down the following features:

- a) Position and attitude of the body.
- b) Number, position, length, breadth and direction of wound(s)(not depth)
- c) Nature of wounds-incised, lacerated, bruises, fractures (so far they are visible on the external examination and could be ascertained by a non-medical person).
- d) Signs of ligature marks if any.
- e) Signs of inflammatory reaction(swelling etc) if any.
- f) Expression of the countenance.
- g) Position of limbs, eyes and mouth.
- h) Presence of blood (liquid or clotted), saliva, froth, vomit, semen, swabs etc. (if any)
- i) Condition of clothes/ornaments



11) Is the body well nourished and vigorous or emaciated and weak ?

12) Viewing of the surroundings in their totality with the dead body lying there in. Note down the following:-

- a) Marks of violence or struggle.
- b) Articles such as rope, weapon, ammunition, phial, used cartridge, chemicals etc.
- c) Suicide note, if any.
- d) Foreign matters such as weeds, straws etc in the hair or clenched to the hands of the deceased or attached to part of the body.
- e) Are there circumstances available in the scene to show that the deceased kill himself/herself.
- f) Do you notice anything in the surroundings to suspect foul play ?

13. Number and Names of the witnesses examined by the Magistrate and substance and weight of their evidence(the evidence to be recorded on separate sheet of papers)
14. Opinion of the Magistrate as to the cause of death as could be ascertained by him, based on his inspection of the scene, close examination of the dead body and evidences adduced by the witnesses.
15. Whenever there are wounds, fractures, bruises and other marks of injury as may be found on the body the Magistrate should state in what manner or by what weapon or instrument, if any, such injuries/marks appear to have been caused.
16. Sketch plan of the place where the dead body is found & photograph taken, if any

- 17) Has the Magistrate held the inquest in addition to or in lieu of the Police investigation u/s 174/175 CrPc ?
- 18) Upon a consideration of the totality of the material including the examination of the dead body , inspection of the scene & testimony of the witnesses, are there grounds for suspecting foul play ?
- 19) Is it a case where the person died in police custody ?
- 20) Action proposed to be taken, if any, in pursuance of the Magisterial inquest .

Signatures of the persons  
present as mentioned in item 9.

Name of the Magistrate-:

Signature of the Magistrate with date & seal

MEMO NO .....DATE .....

Copy to -:

Executive Magistrate, .....

# Is it necessary to conduct PM examination in all cases of unnatural death?

- As per legal provisions, there is no need to do a postmortem to know the cause of death in most cases. Unnecessary PMs not only waste valuable time of police and doctors, but also cause tremendous trauma to relatives of the deceased
- Say, in a case of drowning of many people, when the cause of death is clear, PM will not be required
- A district-level committee of experts and police officers may decide whether PM should be conducted

# Exemption of PM

- District Magistrate, SDM, Executive Magistrate