

## **Prof. Heeresh Chandra**

(Scientific and Medicolegal contributions)

### **CITATIONS IN THE BOOKS**

1. Methods and scientific Study of Hypoplastic Aorta. Chapter 14, in Gradwohl's Legal Medicine, III edition, editor. Francis E Camps, Bristol, John Wright & Sons, Britain, pp234.
2. Cited in many chapters of Modi's Medical Jurisprudence & Toxicology ed. 21st., editor, C.A. Franklin.
3. Revising, Editor COX Medical Jurisprudence and Toxicology, 7 th Edition under print, earlier, 6th ed. revised by Bernard Knight, probable date of publication - march 1999.
4. Few Judgements of the Courts and citations (enlisted below)

*These results are based on expert reports and the principals of,*

*a) Reconstructive Forensic Medicine and*

*b) Investigative Forensic Medicine*

*identified and practised by Prof. Heeresh Chandra*

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### **FEW REPORTED CASES**

1 State of M.P v/s Ashok Dubey

Session Trial No. 18/76, Criminal Appeal No. 451 of 1976

Death due to throttling and burn. (Commonly known as Nirja Murder case.)

Brief Note: Dr. Ashok Dubey was married to a young post graduate lady for only about 33 days back. He was officiating lecturer in Forensic Medicine. His wife was found burnt and after the postmortem the case was reported as suicide.

After about 8 months the case was referred for expert opinion. The opinion was given as homicidal death of Nirja Dubey and Dr Ashok dubey was tried u/s 302 IPC.

Decision :

*Abstract from the Judgement of the High Court of M.P. ( appeal no. 471-1976 )*

*para- 15 -*

## Judgements

*" The learned Additional Session Judge found the expert opinion given by Dr. Heeresh Chandra more credible. He found the death to be homicide, either by throttling or smothering and to have taken place within 36 hrs. of the postmortem i.e.sometime between 1 am to 5 am. of the 13 April. The irresistible conclusion , therefore was that the appellatant was the author of the crime.*

*note:- There are many paras written in appreciation of the expert opinion with grounds.*

*DECISION :- Dr, Dubey was convicted by lower court for life. The high Court confirmed the sentence. The Supreme Court summarily rejected the appeal.*

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2. State of M.P v/s Vinod Bhalla and his mother.

Session Trial No. 75/83, Cr Appeal No 627 of 1992; u/s 302/34, 201 ; PS Rewa

Supreme Court appreciation, last para of the Judgement, K. RAMASWAMI. J.. quote ;

*" para. 13 , ....Before Concluding the case, we place our appreciation for Dr Heeresh Chandra's sincere devotion to duty, who has correlated all the material facts and circumstances available from the record placed before him to arrive at the conclusions; otherwise miscarriage of justice would have been ensured . The investigating officer did not even conduct inquest over dead body. He did not even speak of the details of scene of offence and other material details smacked of responsibility. "*

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3. State of M.P v/s Chandan Singh Sheodas and others

Session Trial No. 110/73 Police station Bari Barelli, Distt .Raisen

Direction angle of fire at the time of incident.

Quote from Judgement :

*..... "and the distinguished testimony of Dr. Heeresh chandra (P.W.16) proved beyond reasonable doubt that the pallets from the gun made way into the various parts of the neck, deflected and travelled upwards the scalp and soft tissues around vertebral column."*

*..... "The two stories when tested on the anvil of the unflinching and straight forward expert evidence of Dr Heeresh Chandra (P.W. 16) made out a very clear picture of willful assault and intentional murder by completely ruling out the possibility of truthfulness behind the defence story"*

Decision :

*"Life imprisonment, maintained by High Court of M.P. and Supreme Court.*

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4. State of Bihar v/s Suresh Chandra Bahri.

## Judgements

Appeal No 329 with 159 and 160 of 1993.( Investigation and prosecution done by CBI

Supreme Court appreciation , last para., quote :

(para. 76-sub para 43)

*" The expert Dr Heeresh Chandra on examination found a skull of female aged 33 yrs, plus/ minus 5 years, on either side, which fitted with the age of Urshila as it appears in her passport, Ext 25"*

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### **FEW Cases Tried in Session Court and Opinion Resulted in Conviction.**

In most of the cases appeal was filed in High Court and Supreme Court and conviction were maintained.

1. State of MP v/s Gyan Singh and one other.

Session Trial No 274/74, High Court 344/75 of 1975, Police Station Doraha, Dist. Sehore.

Quote from High Court judgement :

*.... " the testimony of Dr Heeresh Chandra (P.W.9) clearly shows that the death of the deceased was due to asphyxia which was the result of smothering and throttling. In his evidence he has clearly ruled out the possibility of the death of the deceased having been caused by drowning"*

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2. State of MP v/s Ramsingh , S/o Murat Singh

Session Trial No. 23/73, Police station Chhatarpur.

Quote from Judgement :

*.... " It was next concluded that both the civil surgeon, Chhatarpur and Dr. Sitendu Bose (Professor of Anatomy, Medical College, Rewa) had given negative reports regarding sex of the subject. Hence, opinion of Dr. Heeresh Chandra has higher qualification and he is an expert in this branch. It was the reason as to why the subordinate Medical Officer one after another had recommended references of the bones to the next superior having higher qualification experience and equipments."*

*....." The opinion of Dr. Heeresh Chandra is based on Cogent reason given by him in his cross examination also when he was fortified with the text books on the subject."*

Decision :

*"Life imprisonment, maintained by High Court of M.P. and Supreme Court."*

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## Judgements

### 3. State of MP v/s Mehta, Francis and others.

Session Trial No. 41/73, Police station, Jahangirabad, Bhopal

Quote from the Judgement :

...." श्रीमती शास्त्री के द्वारा फ्रांसिस फिलिप के हाथ से चाकू छिनने तथा ज्ञान ने खटके के चाकू खीचने और श्रीमती शास्त्री को अंगुलियों में चोट आने की ताइद डा. हीरेश चन्द्र के साक्ष से होती है, जिन्होंने न केवल अपराध के अनुसंधान में महत्वपूर्ण योगदान दिया वरन् इस सत्र वाद की शीघ्र निर्णय होने के लिये जब की वे अपंग स्थिति में बिस्तर में पड़े थे उस समय भी तत्परतापूर्वक साक्ष दी ।

" डा. हीरेश चन्द्र द्वारा ही अभियुक्त ज्ञानप्रकाश को अपराध के समय मौके पर उपस्थित तथा सक्रिय योग के तथ्यों का समर्थन होता है व उन्होंने मस्तक के कपाल एवं नाक की चोट देखकर कहा कि अपराधी के हाथ में पहली उंगली में अंगूठी होनी चाहिये ।

Decision :

*"Seven years imprisonment to all accused. "*

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### 4. State of MP v/s Ram Sumer

Session Trail No. 83/75, Police station Habibganj, Bhopal

Quote from Judgement :

*...." In the opinion of Dr. Heeresh Chandra all the injuries were antemortem and homicidal in nature."*

*....." Dr. Heeresh Chandra (P.W. 10) under its supervision and guidance has also produced the photographs taken at the spot (Ex c/1, c/2, c/3, c/4 and c/5) and at the time of postmortem examination (Ex P/9). He had further prepared a report on photographs (Ex P/21) and still another report of the examination of wooden baton (Ex P/20).*

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### 5. State of MP v/s ..... (Chakravarti murder case)

Session Trial No. 121/ 75, Bhopal

Decision :

*"Life imprisonment."*

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### 6. State of MP v/s Ganga Bai (Laxmibai murder case)

Judgements

Session Trial No. 34/75, Sagar.

Quote from Judgement :

*.... " The absence of symptoms of myocardial infarction in case of Laxmi bai as deposed by her sister-in-law Ganga bai, the reliable and trust worthy evidence of Dr. Heeresh Chandra when collectively taken wholly rebuts of opinion of Dr. R.S. Kachwaha (P.W.4). I do not believe the statement of Dr. R.S. Kachwaha. I believe the statement of Dr. Heeresh Chandra.*

*The result of the aforesaid discussion it has established beyond any reasonable doubt that Laxmi bai died a homicidal death.*

Decision :

*"Imprisonment for one year."*

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7. State of MP v/s ..... ( Zahid murder case)

Session Trial No. 13/75, Bhopal

Quote from Judgement:

*" Dr Heeresh Chandra had deposed that the death was due to asphyxia of drowning combined with the shock of injury. The death suggestive of drowning and shock together which is indicated in the kidneys which were pale. The spleen only showed odema but in pure asphyxia both these organs normally show congestion, right side heart was also indicative of asphyxia."*

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8. State of MP v/s ..... (Sajan Bai case of death by manual suffocation )

Session Trial No. 104/77, Ujjain

Quote from Judgement :

....."डा. हीरेश चन्द्र एक विद्वान विशेषज्ञ है और उन्होंने इस प्रकरण में जो मत व्यक्त किया है वह मत उचित कारणों पर आधारित है .. उसके मत का आधार डा. कुलकर्णी की रिपोर्ट एक्स-पी-48 है. इस रिपोर्ट के अलावा डा. हीरेश चन्द्र ने फोटोज, रसायन परीक्षक के प्रतिवेदन का भी अवलोकन किया था . ----- इससे स्पष्ट है कि सजन बाई की हत्या सोई हालत में गर्दन एवं सिर पर किसी मुलायम वस्तु तकिया अथवा रजाई के दबाने से सजन बाई की मृत्यु श्वास रुक जाने के कारण घुटने से हुई है ."

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9. State of MP v/s Takhat Singh, Baboo Singh, Inder Singh u/s 302/34

Session Trial No. 42/77, Police Station Bagli, Dist. Dewas

## Judgements

Quote from Judgement :

....."डा. हीरेश चन्द्र ( अभियंता सा. 19) की चिकित्सकीय प्रतिभा एवं दीर्घ अनुभव के प्रति यह एक समादर एवं सम्मान ही है कि विपिक्ख के विद्वान अभिभाषक श्री धीरजसिंह सोलंकी ने भी इस तथ्य को मेरे समक्ष स्वीकार किया कि वास्तव में ये प्रकरण में ये प्रकरण हत्या का था .

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10. State of MP v/s Kanhai and others, u/s 302/21 & 34/20.

Session Trial No. 46/78

Quote from Judgement :

"डा. जी.एल. सराफ ने प्रतिवेदन एवं साक्ष्य के आधार पर मृत्यु के कारण के संबंध में कोई निश्चित निष्कर्ष निकालना संभव नहीं है डा. हीरेश चन्द्र ने कहा है कि डा. जी.एल. सराफ एवं उपनिरीक्षक आर.एस. आडगा की साक्ष्य में महत्वपूर्ण बिन्दुओं पर विरोधाभास है. उनकी सत्यता पर विश्वास नहीं किया जा सकता. अतः प्रकरण उपलब्ध अन्य साक्षियों की साक्ष्य पर विचार करना आवश्यक है."

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11. State of MP v/s ..... Cr. No. 79/78 u/s 363, ps. Bilkisganj, Distt. Sehore.

Establishment and Confirmation of paternity

Extract from expert report :

*.... "In Asia, the Human Leukocyte Antigen Technique has been for first time used in settling the disputed paternity through this case*

*.... "The analysis of the disputed parents and child, Gulab Bai was settled with complete certainty by the above method and luckily as per our departments anthropological and clinical findings, Girwar and Shetan Bai. The full complement of seological test which not available in our country even today would have left atleast 15% of doubtful paternity but the HLA yrchnique has settled the issue with all certainty.*

*A film was made by Doordarshan, Delhi and exhibited under Programme VIGYAN SUBKE LIYE .*

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12. State of MP v/s .....

Session Trial No. 255/78 Sihora, Jabalpur

Quote from Judgement :

*.... "Pattern of injury, death can not be rail accident, On Dr Heeresh Chandra report-no-person could be found guilty but the autopsy surgeon was found to be guilty."*

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## Judgements

13. State of MP v/s ..... (Savitri Devi Blank 12 bore case)

Session Trial No. 200/78, Chatarpur,

Quote from Judgement :

....."इसी आधार पर डा. वर्मा,डा. महेन्द्र प्रसाद डा. रेनू निगम की परीक्षण रिपोर्ट अपना महत्व खो देती है और इनकी तुलना में डा. हीरेश चन्द्र जो इस विषय में विशेषज्ञ है के कथन , उनकी रिपोर्ट तथा उनके मत को मैं महत्व देता हूँ क्योंकि उनका मत उचित तर्कों पर आधारित है"

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14. State of MP v/s Khoobchand and 4 others.

Session Trial No. 106/78, Hoshangabad

Quote on from Judgement :

....."**Dr. Heeresh Chanddra (P.W.5), a very important and material expert witness in this case found the said injury to be a teeth bite. There is nothing to doubt his testimony . In the case Ashok Dubey Vs State of M.P. ( cited supra ) as this important expert witness, Dr. Heeresh Chandra had figured as an expert witness and was relied upon by our Hon'ble High Court.**"

....."**Professor of Forensic Medicine, gandhi Medical College, Bhopal an expert medical witness who connected accused Khoobchand with the crime in question because of the injury he sustained in his finger of the right hand during the incident.**"

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15. State of MP v/s ..... (Santoshi devi Homicide Case)

Session Trial No. 123/80, Sarguja

Quote on from Judgement :

....."डा. हीरेश चन्द्र ने (अ.भा.19 )ने शव परीक्षण प्रतिवेदन प्रमुख चिकित्सक की राय एवं पंचनामा पर विचार करने के उपरान्त अपना स्पष्ट मत प्रकट किया कि मृतका संतोषदेवी की मृत्यु गला घोटने से हुई उसकी मृत्यु आग से जलने के कारण नहीं हुई मृत्यु हिंसा से हुई ।"

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16. State v/s ....., Shahjanabad, Bhopal.

Session Trial No. 103/ 81

Decision :

**"Crime could not be linked."**

17. State of MP v/s Yogendra Gupta and Others u/s 302/201/120 A IPC

Session Trial No. 61/81, Khargone

Decision :

***"Learned Judge was convinced with the opinion and he sentenced all 5 accused for life imprisonment."***

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18. State of MP v/s .....

Session Trial No. 55/81, Balaghat

Quote from Judgement :

***...."Dr. Heeresh Chnadra, Director, MLI Bhopal, who after considering the injuries report Ex. P7, Ex. P9 PM report Civil Surgeon report Ex P5. Query from Dr. Khatri and his reply E. p16 arrived some conclusion. "***

***....." When we considered his evidence and the opinion, we find the ground detailed in Ex.P17 are well reason and the correctness of conclusion of their basis can not be doubted and their able probe on the basis of documents sent to them have fully exposed the foul play . This expert opinion, considered along the evidence of prosecution witnesses as discussed in the proceeding paragraph can be accepted and relied upon without any risk of error."***

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19. State of MP v/s Kamukund Chaurasiya alias FAKKAD BABA and 5 others, Session Trial No 194/95 ( investigation and prosicution done by CBI)

Quote from Judgement:

Para., 99. ...."अ.सा.19, नर्मदा प्रसाद तिवारी के अनुसार छाती इतनी दबाई गई कि मृतक चिल्लाकर शान्त हो गया, और जीभ कटने के बाद भी चिल्लाया. प्रतिक्षा साक्षी क.1 डॉ. हीरेशचन्द्र के अनुसार यदि जीभ कटी होती तो जीभ में सूजन नहीं होती क्योंकि गैस और तरल बाहर निकलते रहते, जिससे सूजन आना संभव नहीं था. प्र.पी.19,प्र.पी.2 के अनुसार जीभ काफी बाहर निकली थी और प्र.पी.18 के अनुसार जीभ सूजी हुई थी, वस्तुतः जीभ की स्थिति देखना घटना देखना नहीं है एवं शव देखने पर स्थिति का विवरण प्र.पी.2,प्र.पी.18 में तत्काल किया गया और कटने की कहानी घटना के लगभग 4 साल बाद बताई कई है अर्थात् कटी जीभ सामान्य व्यक्ति और चिकित्सक सामान्य रूप से देख सकता है . छाती की चोट की पुष्टि साक्ष्य से नहीं होती है. "

Para., 102....."प्रतिरक्षा साक्षी क.1 डॉ. हीरेशचन्द्र द्वारा भी अपने कथन एवं प्रतिवेदन प्र.डी.13 में शव के सडने से बाल ढीले हो जाना बताया है तथा इस साक्षी द्वारा ढीले बाल जो बहे हो जल प्रवाह की मार से आसानी से निकल जाना बताया गया है. .... जहाँ तक मृतक के चेहरे में रंग पुता होने का प्रश्न है..

Para., 103 ..... "प्रतिरक्षा साक्षी डॉ. हीरेशचन्द्र द्वारा अपने परीक्षण में शरीर का रंग मृत्यु पश्चात् क्रियात्क परिवर्तन से बदलना बताया गया है घटना के समय मृतक के चेहरे में कोई रंग नहीं लगाया गया अथवा पेंट किया गया ऐसा कथन अ.सा.19,नर्मदाप्रसाद तिवारी का नहीं है जबकि इसे घटना देखना कहता हैं."

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## Judgements

20. State of MP v/s ..... u/s 302,376/363 IPC Police Station Betul

Session Trial No. 149/70 Betul

Decision :

Accused sentenced for life imprisonment.

Note:-The case was investigated and prosicuted by the State CID. The hon. defence lawyer (late Shri Khandelwal) paid compliments after the evidece, in the presence of the judge, as follows.. "***Dr., your report is so written, as if, the crime took place before you.***" The then IG Police late Shri R.N.Nagu vide a D.O. letter no.CID/INV/ 1/70/3178 that the case of rape and murder of a 16 years adiwasi girl, KRISHNA BAI could be sucesssfully prosicuted due to my opinion and appreciated my dedication to duty and knowledge of Forensic Science.

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21. State of Haryana v/s Mahender Singh and 4 others

Session Trial No. 145/1991 u/s 304/201/34/343/330/331/218 IPC

Panipat Police Station City Panipat---Delivered on 17-11-95

Decision ACQUITTAL (Coustodial death in Police Station)

Quote from Judgement

para 12 ..... "Professor Heeresh Chandra (DW 3), a s expert of repute of Forensic Science.....according to him, he has examined the reports of postmortem conducted by three doctors; Sub Divisional Magistrate as well sub inspector Kashmiri Lal, along with the said photographs of the scene of hanging of the victim and according to him, said Satywan died from suicidal hanging. He has given reasons for the same in his report Ex.DF, diagram, EX. DF/9, as well as in his statement recorded in the court on oath"

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22. State of Haryana v/s Dr. Dharamvir Narang

Session trial No. 55 Of 1993 ,Karnal

Decision ---- Acquittal..... judgement on 21-12-94

Brief story-- Smt. Narang, was found hanging by the ceiling fan in her house at about 12 noon. By her side were her daughter aged 11 years lying dead on the bed, throttled and bleeding from the nose and mouth, and her brother.aged 7 yrs.was also lying unconcious by the side, who was also attempted to be throttled but could be revived

## Judgements

She left behind a suicide note of nearly one page in Hindi, which was an outstanding document well composed, thought and written, long before of her committing suicide. She gave reasons to take away the children with her. The date affixed was the day she committed suicide, was the opinion of the expert and accepted by the court on the grounds given by the hand writing expert from the FSL

I examined the scene of incidence, gave the report of reconstruction of the whole incidence with reasons on the basis of documents and photographs made available. My opinion was that the lady committed suicide after killing her two children and that was also the opinion of the HON.court.

**Note:- 1. On the basis of the expert opinions submitted in referred cases many cases were filed by the investigating agencies.**

**2. There will be many more cases but I had included those only, of which the records were available to me.**

HEERESH CHANDRA