

ROLE OF GENERAL PHYSICIAN IN MEDICO LEGAL CASES

Dr. Prashant Singh Bhadauria^{1*}, Dr. Arti² and Dr. Prafulla³

^{1,2}M. D. Scholar, Dept. Of Agad Tantra, Rani Dullaiya Smriti Ayurved P.G. Mahavidhyalayaevam Chikitsalaya, Bhopal (M.P.).

³Reader, Dept. Of Agad Tantra, Rani Dullaiya Smriti Ayurved P.G. Mahavidhyalayaevam Chikitsalaya, Bhopal (M.P.).

*Corresponding Author: Dr. Prashant Singh Bhadauria

M.D. Scholar, Dept. of Agad Tantra, Rani Dullaiya Smriti Ayurveda P.G. Mahavidhyalaya Evam Chikitsalaya, Bhopal (M.P.).

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ABSTRACT

A medico – legal case is where person is injured or harmed in any way & needs medical attention for it. Injury which suggest some criminal offense Burn Injuries, Vehicular Accidents, Suspected Homicide, Murder, Poisoning, Sexual assault & Criminal Abortion are classified into *medico – legal cases*. The general myth that only the doctor working in the government hospitals would be involved with such cases has not been dispelled by the recent decisions of the Hon'ble courts, particularly the Supreme court. A good working knowledge of the law in this regard, coupled with a thorough understanding of the correct method of dealing with such cases is the need of the hour. In all these cases, it is the legal duty of the treated doctor, to report it to the nearest police station immediately after completing primary lifesaving medical care. If doctor is not informing the police of such cases may invite trouble to the doctor U/S 39 crpc and Section 177 & 201, IPC (giving false information & causing disappearance of evidence) The best way to deal with these cases is to understand them clearly analyze them thoroughly and then act accordingly.

KEYWORDS: Burn Injury, Indian Penal Code, Criminal Procedure Code, Abortion, Homicide, Suicide.

INTRODUCTION

- A medico legal case is where a person is injured or harmed in any way and needs medical attention for it. Injury cases which suggest some criminal offence.
- Patient who is unconscious due to unknown reasons, brought dead or die shortly after admission without proper medical documents to indicate cause death also comes under its purview.
- Hospital deaths where the patient dies suddenly due to administration of medication or a fall within the hospital, when he is in ICU or during surgery can also be classified under medico legal cases.
- Medicolegal cases (MLC) are an integral part of medical practice that is frequently encountered by Medical Officers (MO). The occurrence of MLC is on the increase, both in civil as well as in Armed forces.
- A case of injury or illness where attending doctor feels need of investigation by law enforcement agencies, essential to fix the responsibility accordance with law of land.
- It is a medical case with legal implication for the attending doctor where the attending doctor, after eliciting history and examining the patient, thinks that some investigation by law enforcement agencies is essential.

- A legal case requiring medical expertise when brought by the police for examination.

Cases Comes Under MLC

- Poisoning, Alcohol intoxication
- Death due to snake bite or Animal bite
- Electrical injuries
- Domestic violence and child abuse
- Accidents like Road Traffic Accidents, industrial accidents etc.
- Cases of trauma with suspicion of foul play
- Chemical injuries
- Burns and Scalds
- Sexual Offences
- Attempted Suicide
- Cases of asphyxia as a result of hanging, strangulation, drowning, suffocation etc.
- Death brought to accident and Emergency dept. and death occurring within 24 hours of hospitalization without establishment of a diagnosis
- Drug abuse
- Drug overdose
- Fire Arm injuries
- Unnatural death
- Death in the operation theater.

General Physician and MLC

- Every doctor under law bound by a contract to serve its patient and cannot refuse treatment.
- A good working knowledge of the law in this regard, coupled with a thorough understanding of the correct method of dealing with such cases helps one to build confidence over riding the fear of MLC.
- Every doctor has to fulfill certain legal requirements in service by compulsion or voluntarily as defined under law.
- The general belief that only the doctors working in the government hospitals would be involved with such cases has now been dispelled by the recent decisions of the Honble courts, particularly the Supreme Court.
- Medico legal case (MLC) examination and reporting is one of the legal responsibilities of all doctors working in a hospital.

Receiving a MLC

1. A case is brought by the police for examination and reporting, or order of the court for medical examination.
2. The person in question was already attended to by a doctor and a medico - legal case was registered in the previous hospital, and the person is now referred for expert advice.
3. When patient himself expressing his intention to register a case against the alleged accused.
4. After eliciting history and examining the patient, the attending doctor feels some investigation by law enforcement agencies is essential to establish and fix responsibility for the case in accordance with the law of land.

In the last situation it is the attending doctor has to utilize his medical knowledge and judgment to decide whether the case should be treated as MLC or not, especially when the history is not completely revealed, either by the patient or his relatives/friends, due to some motive.

Procedure of Registering a MLC

- The responsibility to label any case as an MLC rests solely with the attending medical practitioner.
- In the casualty, while attending to an emergency, the doctor should understand that his first priority is to save the life of patient.
- He should do everything possible to resuscitate the patient and ensure that he is out of danger.
- All legal formalities to be suspended till the patient is resuscitated.
- The next most important duty is to identify whether the said case falls under the category of an MLC or not, after carefully analyzing the injuries on the person of the patient, the history given, and the other circumstances of the case.
- If it does fall in this category, then he must register the case as an MLC or intimate the same to the nearest police station, either by telephone or in writing.

- An acknowledgement of receipt of such a message should be taken for future reference.
- A medico-legal register should be maintained in the casualty of every hospital, details of all medico-legal cases should be entered in the register in duplicate.
- This would be of immense help for future reference, when the patient through the court/police, requests for a copy of medico legal report.

No fresh MLC to be made if MLC has already been made in other hospital to avoid duplication.

Time Limit for Registering MLC

- ✓ A medico-legal case should be registered as soon as a doctor suspects foul play of feels it necessary to inform the police at arrival.
- ✓ At any time after admission.
- ✓ There should not be any unnecessary delay in doing so.
- ✓ A case may be registered as an MLC even if it is brought several days after the incident if suspected.

Fear of MLC

- Every medical practitioner at any time during the practice of his profession, whether in a government setting or a private one, will encounter certain cases, which at that given time or subsequently, would be labeled as medico-legal.
- Many a practitioners are usually apprehensive in dealing with these cases as they feel, an MLC means
 1. “entangling” in police cases
 2. “indefinite hours” to be spent in the court,
 3. Facing “unrelenting” defense counsels.
- Because of this fear factor they either try to avoid the cases or try to manipulate them as non MLC.

Place for MLC

No specified area is defined for MLC

Emergency Department is the area where majority of ML reports are prepared but sometimes may be in wards after detection of new findings.

Consent in MLC

Consent for medico-legal examination to be taken in written in all cases.

Exception: Cases brought by police being arrested on charge of committing an offence.

Person below 12 years/unsound mind – consent of guardian is to be taken.

Laws Relating to MLC

- Sec. 44 of IPC: Definition of injury
- Sec. 319 of IPC: Hurt
- Sec. 321 of IPC: Defines “Voluntarily causing Hurt”.
- Sec. 322 of IPC: Defines “Voluntarily causing Grievous Hurt”.
- Sec. 323 of IPC: Describes Punishment for Voluntarily Causing Hurt.

- Sec. 324 of IPC: Describes Punishment for Voluntarily Causing Hurt by dangerous weapons.
- Sec. 325 of IPC: Describes Punishment for Voluntarily Causing Grievous Hurt.
- Sec. 299 of IPC: Defines Culpable Homicide

CONCLUSION

Now a days every physician know very well about medico-legal cases because without know these cases about MLC or not MLC we cannot treated patient do well. If we don't know about MLC then we cant difference between medico-legal cases or not And would know very well about sections, IPC and Cr PC. In all these cases, it in the legal duty of the treated doctor, to report it to the nearest police station immediately after completing primary life saving medical care. If doctor is not informing the police of such cases may invite trouble to the doctor U/S 39 crpc and Section 177 & 201, IPC (giving false information & causing disappearance of evidence).

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