

PROBLEM IN CRIMINAL INVESTIGATION PROCEDURE “INTERPLAY OF SCIENTIFIC METHOD IN CRIMINAL JUSTICE SYSTEM”

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ABSTRACT

Implementation of the use of methods scientific criminal investigation (SCIM) by the holder of the legal authority to take action to investigation in uncovering a criminal act and an attempt to find the culprit is a scientific approach to the implementation of the inquiry and investigation that can be used by police investigators in general and investigators in the ranks of the Police Sulawesi Police South in carrying out its functions and authority in the field of criminal investigation that occurred in their jurisdiction. This approach is a scientific approach to the functioning of the technology as an effort of finding evidence of transparent and accountable in the investigation of a crime. This method is seen as a solution or answer to the various modes of crimes using technological means.

Keywords: Criminal justice, scientific investigation.

I. INTRODUCTION

Because of modern progression of Science and Technology, the business as usual of committing crimes with the most recent innovation of science and technology. So far battling such sorts of crimes, the conventional and out of date methods of crime discovery isn't valid in the present day conditions. Today ordinary criminal behavior has been changed into electronic criminal behavior for instance cybercrimes. For location of various kinds of modernized crimes, forensic science is must ^[1].

A.Objective of the Study

The study of the paper is to study problem in criminal justice system with special reference to scientific method of investigation.

II. SCIENTIFIC INVESTIGATION

Presently a-days, it's anything but a simple undertaking to get onlookers in criminal cases, especially where the criminal is an infamous one. Individuals fear giving proof against such criminals.1 Quite regularly

criminals explicitly make dangers that anyone, who shows up against him as a witness, will be demolished^[2]. It's an obvious fact that criminals regularly get away from punishment and can hurt witness, who shows up against them. In that capacity regularly an individual with direct information on the realities of a crime might want to ward himself off and abstain from being hauled to an official courtroom for giving proof. Other than these crimes are frequently carried out covertly in a very much arranged way so that there may not be any immediate proof against the guilty party. Under these conditions, it is basic to have solid and savvy exploring office fit for utilizing modern scientific systems of crime identification. Ordinary methods can't be of material assistance. Presently a-days different systems, for example, physical assessment of the denounced, clinical assessment of the person in question, correlation of fingerprints, impressions, photographs and composing, utilization of recording devices, forensic ballistics, wire taping and different methods for electronic reconnaissance, lie finders and truth serums are utilized. The examiner must be furnished with the vital mechanical assembly and specialized information to utilize these methods. The probative estimation of scientific proof will rely on the cogency of reasons on which it is based^[2] and competency of the master to frame solid sentiment. Despite the fact that there is nothing in the Evidence Act to require confirmation of master proof yet it has been the strategy of courts not to follow up on it by and large except if validated by different confirmations^[3]. While looking at it the court will consider the realities that the master was not in a fit perspective or wellbeing to shape right feeling or was intrigued or was right or had communicated distinctive assessment at various occasions. The probative worth will be less of assessments of two specialists on a similar issue are diverse^[4]. Also, where assessment of a specialist is in strife with other proof, it isn't important that master conclusion should prevail. In the event of contention the court should intently look at the proof before following up on it^[5].

The proof acquired by scientific investigation may likewise be avoided on grounds of infringement of the arrangements of the Evidence Act, 1872 or limitations recommended by the Constitution. There was some discussion with respect to whether proofs of marks, fingerprints, and so forth. Ought to be rejected for infringement of Article 20(3) of the Constitution. The Supreme Court held that in Article 20(3) "to be witness" signifies to give information about significant realities by an oral or composed articulation made or given in the court or in any case however giving of thumb impression or impression of foot, palm or finger or example composing or mark or indicating portions of the body by method for ID are excluded from the articulation "to be a witness" in Article 20(3).^[6] Court along these lines maintained the legitimacy of Section 73 of the Evidence Act. It is likewise maintained the Validity of Section 27 of the Act, which licenses proof of realities found inconsequence of data got from an individual blamed for an offense, in the authority of a cop, regardless of whether such data adds up to admission^[7].

With respect to tolerability of wrongfully acquired proof the Supreme Court held in *State of Maharashtra v. Natwarlal Damodar Das Soni*^[8] that expecting that the inquiry was unlawful, it didn't influence the legitimacy of the seizure and its acceptability proof. At the most the court might be slanted to inspect cautiously the proof identifying with the seizure. Comparable perspectives have been communicated by the Supreme Court in different cases^[9]. As to conceding proof acquired by modern technology likewise the mentality of the Supreme Court has been sure however appropriately suspicious. For example, it has invited

proof of superimposed photographs mechanical gadgets of multiplication of oral proof, and so forth. Be that as it may, while tolerating the proof of copies the court called attention to that the proof must be gotten with alert. The court must be fulfilled past sensible uncertainty that there has been no altering.

A.Premises of Police Forensic Interface

The complete information on the case is held by the Investigation Officer and by the senior supervisory Police officials and senior FSL specialists under the immediate supervision of Investigation Officer. Subsequently, Investigation Officer needs to brief the Forensic Scientist and talk about the case, if conceivable through a joint visit of the area of offense. This isn't to overburden the Forensic Science Laboratory (FSL) or move the weight. Investigation Officer and forensic researcher need to fill in as a group with proficient co-activity. The reports must be appropriately coordinated with the chain of investigation ^[10].

B.Pre-Analysis Stage

There is an absence of set up Sub-Divisional Police Offices (SPOs) and compulsory arrangements for police forensic interface in the pre-examination phase of investigation. It is totally at the activity and enthusiasm of the Investigation Officer to accomplish a similarity to 'reality gathering - forensic aptitude' joining in the assessment of crime scene and assortment of proof ^[11].

C.Sample Abuse and Degeneration

An issue inescapable all through the different orders of forensic sciences is the possibly harmful impacts of expanded times of condition presentation of forensic samples. This will confine the quality and amount of biological sample material so that on occasion just a solitary endeavor at test may just be conceivable. Samples keep on being the primary disadvantage for all forensic work by virtue of its size, immaculateness and accessibility for forensic work. Any lab report is in the same class as the sample it finds a workable pace, and any push to improve the nature of a report should focus on the sample as a matter of first importance. Condition affronts like daylight dampness and development of small scale creatures bring about the powerlessness to recognize of protein or chemical of intrigue ^[12].

The biological sample is again as insufficient as the postpone that happens between the assortment, protection and accommodation/accessibility for forensic lab work. Not gathering securing/pivotal confirmations or subbing them for other than law authorization reasons by the individuals who come into control of the sample before the sample arrives at the lab remain the major hindrances for a progressively compelling forensic revealing. As referenced by Supreme Court in case of Amarsingh v. balwindsingh, the subsequent condition is that the examining official didn't send the guns and the discharges recuperated from the spot for correlation with the Forensic Science Laboratory. It would have been surely better if the exploring office had sent the guns and the exhausts to the Forensic Science Laboratory for examination. Be that as it may, the report of the Ballistic Expert would regardless be in the idea of a specialist feeling and the equivalent isn't decisive. The disappointment of the researching official in sending the guns and the exhausts for correlation can't totally toss out the arraignment case when the equivalent is completely settled from the declaration of onlookers whose nearness on the spot can't be questioned as they all got firearm fired wounds in the episode ^[13]. On account of GolakondaVenkateswara Rao Respondent v. Province of Andhra Pradesh

with incomparable check where skull Superimposition was utilized - the office is accessible at Hyderabad FSL and the shows including photographs ought to be created in the court alongside the report. The individual who marked the report viz., Additional Director, Regional Forensic Science Laboratory (AD RFSL) isn't qualified for affirm as he didn't lead the test. Such authoritative issues ought to be explained in the report and the genuine functionary in the progressive system who plays out the test should sign the report and affirm in the court to have the option to fulfill the court and stand the trial of questioning to make the proof helpful for conviction in the court.

The ownership, chain of care and honesty are the following significant inquiries with chain of care being the fundamental imperfection that gets referred to for ignoring the forensic report even a DNA report given by a particular foundation like CDFD as in case of priyadarshini tangle as well. Where the absence of appropriate chain of care in an open emergency clinic forensic medication wing was made the reason for producing and giving advantage of uncertainty to the killer however the appointed authority of the preliminary court was persuaded of the blame of the denounced.

In the preeminent legal dispute of Jaipal v. Haryana, holes in chain of occasions prompting uncertain proof of blame because of faulty assortment of material by the law authorization offices brought about dismissing of the forensic report which was in any case securing report ^[10].

III. SCIENTIFIC INVESTIGATION – SOME PRACTICAL PROBLEMS

Forensic science facilities have insufficient instructive projects, and they normally need obligatory and enforceable models, established on thorough research and testing, confirmation necessities, and accreditation programs.

A. Traditional Role of a Policeman with the Aid of Modern Tools of Science and Technology A Police Officer has a task to carry out in forestalling, identifying, examining, offenses and laying charge sheets. F.I.R. resembles platform. Judgment resembles establishing station. The Investigating Officer has got essential job in pre-preliminary technique. Investigators and Advocates have lead jobs in the preliminary strategy. A Magistrate or a Judge does the demonstration of adjusting. They have a job in guaranteeing reasonable preliminary, procedural adherence, speedy preliminary, showing up at truth and rendering justice. Modern Science and Advancement of Science and Technology go to the guide of Criminology and Criminal Investigation. Headway of Science and Technology is additionally adding to crimes. It is hurling difficulties and it is additionally tackling issues. It has been blended gift. Who utilizes it and for what reason for existing is significant ^[14].

With the development and advance of science, there is no uncertainty that there has been an inside and out improvement in the material prosperity of human culture yet it can't most likely be refuted that this unspiritual accentuates on the material solaces of this world has not additionally prompted a general crumbling of our virtues.

B. Use of Scientific Techniques in Criminal Investigation's – The Provisions of Criminal Procedure and Indian Evidence Act, 1872

It is critical to take note of that, there are sure arrangements in the Criminal Procedure Code and the Indian Evidence Act, which manage the subject of taking of samples and gathering other significant data by the examining offices, from a suspect or a blamed individual, as a piece of investigation, subject to certain assurance stood to a person in the light of the sacred arrangements. Despite the fact that these arrangements license such Acts, it isn't obvious from equivalent to how far such material might be cited as proof and what the evidentiary estimation of the equivalent is. Following are the pertinent arrangements of the above statues and a concise examination of the equivalent, which oversee investigation and introduction of proof in the court by the indictment ^[15].

Segment 53(1) of the Criminal Procedure Code peruses, 'when an individual is captured on charge of committing an offense of such a nature and affirmed to have been perpetrated under such conditions that there are sensible justification for accepting that an assessment of his individual will bear the cost of proof with regards to the commission of an offense, it will be legal for an enrolled medical specialist, acting in line with police official not underneath the position of sub-controller, and for any individual acting in compliance with common decency in his guide and under his course, to make such an assessment of the individual captured as is sensibly important to find out the realities which may manage the cost of such proof and to utilize such power as is sensibly fundamental for that reason.

Consequently, by the plain significance of the wording of area 53, there is extension for assortment of Finger prints, seizure via search, blood inspecting, DNA test, samplings for substance investigation, semen samplings, recuperation of articles and so on., in light of the announcement made by charged, and other medical assessments and so on., by oppressing the denounced for them under segment 53 Cr. P.C.

Medical examination of accused at the request of the police: When the individual captured is accused of an offense of such a nature and submitted in such conditions that medical assessment of his body will manage the cost of proof with regards to the commission of an offense; he will be medically inspected even without his assent.

Who can ask for medical examination: A police official not beneath the position of a Sub-Inspector may make demand for the medical assessment of the individual captured.

Medical examination of a female: The individual of a female will be medically inspected by or under the supervision of a female medical professional.

Medical Examination by force: In *Bhondar v. Sovereign* and in *Hanuman Sharma v. Head*, it was held that under the old code when there was no arrangement with this impact, it was not reasonable persuasively to grab hold of detainee and get him medically analyze forcibly.

Be that as it may, in case of *Ananth Kumar v. Province of A.P.*, it was held that under the present code, the medical assessment might be done and sensible power might be utilized, the torment or torment in assessment permitted.

IV. COMPREHENSIVE USE OF FORENSIC SCIENCE FROM THE INCEPTION

It can barely be denied that the utilization of forensic science to crime investigation must begin structure the phase of the absolute first visit by the Investigation Officer to the crime scene so all applicable physical intimations, including follow proof, which would in the long run bear the cost of forensic science assessment, are suitably distinguished and gathered. This should most ideal be if the Investigation Officer is went with to the crime scene by a properly prepared scientific hand. The standard practice in the majority of the propelled nations is to give such scientific hands, differently assigned as 'Field Criminalists', 'Scene of Crime Officers' (SOCO), Police Scientists and so on. In the lasting quality of each police station. At times, these staff are drawn from scientific unit, while in some others, they are policemen themselves, extraordinarily chose for their pizazz for scientific work and their scholarly foundation of science subjects. These work force are then given in-depth preparing in crime scene the executives and in the ID of various kinds of scientific signs to be searched for in various sorts of crimes [16].

The present degree of utilization of forensic science in crime investigation is to some degree low in the nation, with just 5-6% of the enlisted crime cases being alluded to the FSLs and Finger Print Bureau set up. There is earnest need to achieve quantum improvement in the circumstance, all the more so when the conviction rate is reliably falling throughout the years in the nation and the forensic proof, being securing in nature, can alter the course somewhat.

There are just 23 Central Forensic Science Laboratories/Forensic Science Laboratories and around 17 Regional Laboratories in the nation. Then again, USA has around 320 Forensic Science Laboratories (counting private segment research centers). It would, consequently, give the idea that the quantity of Forensic Science Laboratories in the nation is terribly deficient and unquestionably not equivalent with our prerequisites

A. Police Evidence

The twin objectives of a police functionary are (a) to uphold law and along these lines (b) to look after request. So as to accomplish these essential objectives crime ought to be brought to a base. Thus crime anticipation, control and discovery are the primary duties of a police official, whose capacity to play out this capacity lay on his insightful aptitudes. Crime investigation is both a workmanship and science. The science of criminal investigation visualizes a systematic, arranged and sorted out way to deal with demonstrating the blame of the denounced. Nowadays, in acknowledgment of the frailty of individual proof, expanding dependence is laid on physical proof [17].

B. Physical Evidence

Physical evidence comprises any article or material with physical measurements length, expansiveness, profundity, tallness, weight, size, shape, volume, plan, design, and so forth which might be utilized as evidence to build up a reality or invalidate an occasion in an official courtroom. Accordingly any material that will in general set up the corpus sensitive of a crime (confirmation that a crime has in reality happened), or the character or potentially area of the person in question, suspect or witness, or that demonstrates the conditions concerning the execution of the crime, the exact methods for committing the crime or the

intention in the crime, must be recorded, gathered, set apart for recognizable proof and saved for resulting study, investigation and use. No thing, enormous or little is too inconsequential to be in any way considered by the agent.

C.Fixed Evidence

This sort of evidence can't be handily moved in light of its temperament, size, shape or weight, e.g., fingerprints on dividers, blood recolors on the roof, tire marks. Impressions, device stamps on an overwhelming machine, and so forth. Exceptional lifting systems are expected to gather such evidence, which ought to ideally be finished with the help of scientific specialists [17].

D.Movable Evidence

This kind of evidence can be promptly lifted, gathered and bundled by police officials even without the help of specialists or here and there with the help of scientific or medical specialists. Most evidence falls into this class, Examples: Hair, fiber, glass, pieces of clothing. Shoes, tires, soil, archives, guns. Projectiles. Viscera, blood. Fundamental stains, vaginal swabs and so forth.

E.Corpus Delicate Evidence

Evidence of this sort comprises of articles or substances that are basic parts of the body of the crime, which will in general set up that a crime has been in certainty perpetrated. Model: I) Corpse of the body of the expired, ii) Poisons found possessing a speculate who may be liable for harming the perished.

F. Identifying Evidence

This evidence will in general straightforwardly build up the personality of the perpetrator.32Example: Fingerprints, impressions, bloodstains found at the area of crime.

G.Associative Evidence

This evidence interfaces the suspect to the location of crime or to the offense.

Example: i) Broken glass pieces found in speculator's shoe associates him with a robbery ii) Paint chips found at the mishap spot interfaces the attempt at manslaughter vehicle to the crime.

H.Tracing Evidence

This evidence comprises of articles that help with finding the suspect.33Example: Laundry denotes, Tailor's names, Pocket journal, Visiting Card, Address slip, Jewellery, and so on.

I.Screening Evidence

This evidence demonstrates or negates the announcements of unfortunate casualties, witnesses or suspects. Model: Type of weapon indicated to have been utilized to cause a physical issue and the idea of the injury found on the dead body can be looked at, to know the veracity of the announcement. Recognition of semen of various inceptions in bogus assault charges demonstrates honesty of respondent [18].

V. PROBLEMS ARISING FROM, SCIENTIFIC PLATFORMS TO ESTABLISH THE CRIME

The arrangement of assessment report by the specialists is a significant territory, which may give huge assistance either to the indictment or of course to the safeguard. The discoveries in the master's report might be experiencing sure sicknesses by method for unintended or something else, oversight. The equivalent is relevant to the phase of assessment of the master, who arranged/created the report. The courts have had numerous events to cause to notice these perspectives in case it should hurt the arraignment case. A portion of the cases where the courts had event to mention their basic objective facts on the very procedure of assessment or shows in the lab, nature of the supposition report arranged and the lead of the master during assessment in the court are described in the succeeding section ^[19].

A.Non-Mention of Blood Group in Serologist's Report

In *Kasha Behara v. Territory of Orissa*, ^[18] where the Serologist's Report in regards to assessment of blood sample was delivered without the data of blood gathering, the Hobbles Supreme Court clarified the lacuna in the accompanying manner: "As respects the recuperation of a shirt or a dhoti with bloodstains which, as per the Serologist's Report, were recolored with human blood, yet there is no evidence in the report of the Serologist about the gathering of the blood and, thusly, it couldn't be emphatically associated with the perished. "

In *State of U.P. v. Anthony*, ^[19] the nail clippings of the blamed were taken and kept in a fixed wrap and sent for substance assessment. However, it is fascinating to advise that the source regarding the blood was not educated in the report, which was held lethal for indictment.

B.Some Specific Problems Relating to Post-Mortem

Contrast among investigation and posthumous Report.^[20] In *MaulaBux v. Province of Rajasthan*, 198350, the Hon'ble Supreme Court of India had the accompanying perception in regards to effect between Postmortem Report and Inquest Report: "The Learned Trial Judge held that the wound blemishes on scapular area and midsection of the dead body noted in the examination Panchnama by the exploring Police Officer, 'were only the signs of Post-marten recoloring'. This perspective on evidence taken by the Trial Court couldn't be said to be unmistakably off-base. Nor was the High Court reasonable enough to the Medical Officer Dr. Sati Punjabi, in-as-much as it held that she had neglected to take note of some injury marks referenced in the examination Panchnama, through sheer accident or by structure.

C.Improper Identification of Weapon of Offence

In *SethurMadhavan Nair v. Province of Kerala*, ^[21] the Hon'ble Supreme Court held that bamboo sticks like gruff weapon can't have the option to cause etched injury on the individual of the expired. In another case, while the specialist expressing that about a physical issue by Bhala (a sharp cutting weapon) said the weapon resembled lathi (stick). The court dismissed such evidence ^[22].

D.Corruption and Professional Ethics

Medical evidence alone stands over all other evidence in an official courtroom. There are numerous occasions where, regardless of whether all witnesses turn threatening, courts have sentenced the denounced

if the medical evidence is convincing. In any case, endeavors to achieve justice have in some cases been baffled by the degenerate acts of a bunch of odd one out in the medical calling that retain reality or present bogus evidence. At the opposite finish of the range, fair specialists may not be permitted to work openly in light of the fact that they are exposed to pressure. The outcome is that the medical evidence submitted to the court is either ill-advised or inadequate or uncertain [23].

More current systems like Narco-examination, cerebrum mapping and polygraph are being used by some forensic science research facilities in the investigation of different crimes, However the interest of specialists in such investigations brings up numerous moral issues. Is the moral rule of usefulness damaged? Does the support of specialists in extricating data or an admission add up to partaking in torment? Is there educated assent engaged with this strategy [24].

VI. CONCLUSION

Administration of Justice is as of now heading towards a deadened Coma organizes and if critical advances are not taken on the above lines it will crumple absolutely and for ever on its own load of deferral. The battling suffocation disorder of our Judicial Instruments can helpfully be relieved by certain recommendations demonstrated in this and by appropriate methodology. Right now important and right reasoning early undertakings. Qualified and prepared investigators will must be designated and they ought to have the equivalent obligation regarding actualizing rapid Criminal Justice without disregarding the injured individual legitimate points of view. In India, be that as it may, no true exertion has ever been made to improve the nature of the administration of indictment. So as to build the assurance of conviction and punishment for the most genuine offenses and the most noticeably terrible guilty parties.

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