



Forensic Science in Country's Criminal Investigation

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FVERY contact leaves a trace”, this statement of Dr. Edmond Locard ponders the significance of the “forensic evidence” in a very articulate manner. Following this notion the science of collecting and analysing physical evidence has come a long way into the modern technology. The accuracy and conclusiveness of forensic evidence sometimes makes the criminal investigation errorless and fair to a great extent. Finger print, foot print, DNA testing, blood spatter analysis etc are the recent development in criminal science that really narrows down the scope of the investigation and make the life of police officers a little bit easier and also helping the Court to bring the absolute justice. For example, a simple blood spatter pattern can unravel positioning of the victim, the depth of the cut, the murder weapon even sometimes the height of the killer. The main purpose of collecting and processing any evidence is to produce in the Court of law for the purpose of ensuring conviction.

Moving to Bangladesh's context, the criminal investigation is mainly governed by three legislations namely: The Code of Criminal Procedure 1898, The Evidence Act 1872 and The Police Regulations of Bengal 1943. These three instruments do not provide any direct provisions governing the collection and management of forensic evidence however; they provide some relevant regulations regarding criminal investigation.

Recently, the Bangladesh government passed the Deoxyribonucleic Acid (DNA) Act, 2014, which is regarded as a remarkable instrument in the field of criminal investigation system for crime detection. According to this Act, the government will establish a national DNA database which will maintain secrecy of information about DNA profiling. There will be two committees under this law; one is advisory committee which will be consisting of – the State Minister of the Women and Children Affairs and Secretary of

the Ministry and other concerned persons. There is still another committee which somehow considered as technical committee. Moreover, a directorate will be created under the Women and Children Affairs Ministry under the Act. The point to be noted is that, admissibility of DNA evidence in the court will be determined by the Metropolitan Magistrates or Judicial Magistrates as per the law. This new law brings significant provisions regarding the punishments relating to the offences of the unauthorised DNA testing, using national database system etc. For conducting illegal forensic DNA activities the punishment is maximum five years' and minimum three years' imprisonment and fines for three lakh taka, in case of collecting samples and publishing DNA related information illegally the punishment is maximum three years' minimum two years' imprisonment and fines for fifty thousand taka. Moreover, for destroying, changing and tainting DNA samples the required punishment is maximum ten years' minimum three years imprisonment and fines for five lakh taka. In case of unauthorised access to the national DNA database the offender will be punished for two years' imprisonment and has to give fines for thirty thousand taka.

In recent times, our criminal justice system has done some significant works based on the forensic evidences. For example, in a very recent case where Oishee Rahman was proven as guilty, as the DNA of Mahfuzur and his wife matched the samples taken from Oishee's bloodstained clothes and ornaments. While Police had taken Oishee into remand they had to face strong criticisms as the defence tried to establish that Oishee was a minor based on the school documents. However, following an order by the Court, an examination was subsequently conducted to determine Oishee's actual age. After that, Oishee was sent to Dhaka Medical College and Hospital for physical examination where doctors concluded that she was nearly 19 years old then, based on which the Court passed the judgment of death penalty against her. An-

other notable work done by the forensic department is – in cases of the identification of terrorists who were dead in Gulshan attack and Kalyanpur, Narayanganj and Mirpur raids. Police collected DNA samples from the bodies of nine militants killed in a special anti-terror operation in Kalyanpur on July 26, 2016 where eight of them were identified after their fingerprints matched up with those stored in the Election Commission database. To confirm the identities scientifically, police collected DNA samples from seven families. There was another remarkable case sited as the Bangladesh Jatiyo Mahila Ainjibi Samity v. Bangladesh, Writ Petition No. 5359 of 2006, the Court found that, the result of Sibling DNA Test shows that all the seven children are unlikely to be related to each other whom were claimed as children of the Former Deputy Inspector General of Police (DIG) of Bangladesh and his wife Mrs. Anwara Rahman. They actually procured those children to traffic them out of country.

As we can see, that we have laws and other technological advancement to apply forensic science in our justice system, however, a question arises, then why many of the cases are still pending because of lack of proper forensic report. In this regard two sensational cases can be referred such as “Sohagi Jahan Tonu murder case” and “journalist couple Sagar Sarowar and his wife Meherun Runi double murder case”. In the first case, two autopsies have been done to help the investigators since the first one drew huge criticism as it on April 4, 2016 said that Tonu was not raped. The second and last post-mortem report, published on June 12, revealed the news of sperm of three people being found in the corpse. In the second double-murder case, several difficulties arose when no viscera test was conducted during the first autopsy. Moreover, many people entered the crime scene which also contaminated the samples that were later discovered in the labs. After that, a Court order was issued for the second autopsy two and a half months after their murder. Howev-

er, the bodies were severely decomposed. The forensic experts said that it would have been easier, if the test had been done during the first autopsy.

After analysing these two cases, it can be seen that there are still some technical lacking in collecting physical evidences. It is important to mention that physical evidence is also vital evidence in solving criminal cases. In every criminal case the confession of the accused is considered as evidence before the Court. As per the procedure of taking a confession according to the Evidence Act 1872, every confession must be taken in the presence of a Magistrate. Therefore, similarly forensic test and report should be prepared in the presence of a Magistrate so that no contamination, forged report making can happen. Since, if the first investigation goes wrong then it becomes more difficult to find out evidences as in later investigations as bodies started decomposed within few days.

It can be said that, we have well established laws and system for collecting forensic evidences and using them before the Court as evidence. However, the society or victim should first help themselves by doing the forensic test at the right time especially in the case of sexual assault. Forensic evidence provides precision in proving the connection of a person to the crime, either it proves someone is guilty or it proves their innocence. The use of forensic evidence is a very efficient method, utilising it properly will only contribute to the development of the criminal justice system.

As an end note, it can be iterated that with the contemporary global changes and progresses, the overseas strategies of the forensic science is being developed not only around the world but also in Bangladesh in the field of criminal investigation. This flow of development should be continued both theoretically and in practice.

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