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# THE LEGAL STATUS OF POST-MORTEM REPORTS AS SOLE EVIDENCE IN CRIMINAL TRAILS

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## ABSTRACT

Post-Mortem reports are pivotal in determining the nature and cause of death of an individual. The concepts of Mens Rea, Causation of Death, Doctrines of proximate cause and direct nexus comes into play in establishing various inter-related and unsettled questions. When a crime is alleged to be committed, the relation between the accused and the victim, the cause and nature of death and other crucial insights are to be understood by the adjudicating officer. While the court of law solely relies on evidence in such cases, it is imperative for a pathologist to draft a report also known as the “Post-Mortem Report” which serves as the expert opinion on such matters<sup>[4]</sup>.

In this study, the analysis is grounded in a detailed reading of statutes and judicial decisions to understand how Indian courts have approached the use of post-mortem reports as evidence. Particular attention is given to the role of legal concepts such as mens rea, the chain of causation, and the closely related doctrines of proximate cause and direct nexus. The discussion also draws on examples from other jurisdictions to see how different legal systems safeguard against the risks of relying too heavily on such reports. The argument put forward is that clearer statutory direction and procedural checks are needed so that the exclusive use of post-mortem reports does not compromise the fairness of criminal proceedings.

**Keywords:** Post-Mortem, Pathologist, Etiological Factors, Post-Mortem Report, Doctor’s Opinion, Eye Witness Testimony, Mens Rea, Causation, Confrontation Clause.

## **Introduction**

‘Post-Mortem’ also known as ‘Autopsy’ is a surgical procedure involving thorough examination of a corpse by dissection to determine the cause, mode and manner of death.<sup>[1]</sup> Forensic medicine uses this when foul play is suspected, and autopsies are performed by trained pathologists.<sup>[2]</sup> It thrives to establish identity, determine the events causing death, identify the poison or weapon used, and indicate whether the fatal injury suffices the ordinary course of nature to cause death<sup>[3]</sup>.

Upon the completion of the Autopsy procedure, a detailed report known as the “Post-Mortem Report” is prepared by the forensic surgeon which is further submitted to the court by the prosecutors as admissible medical evidence and as supporting evidence of other material objects and witness’s statements involved in the crime. In criminal trials this report often plays a decisive role, sometimes forming the sole basis for conviction of an accused.

The paper aims to examine through a doctrinal and case-law based study of Indian Jurisprudence, with comparative references to other jurisdictions. It urges that without clearer statutory and procedural safeguards we may risk the fairness of criminal proceedings.

## **Research Questions**

1. Extent of reliance upon Post-Mortem report as sole evidence for conviction in Indian Jurisprudence?
2. Interpretation and Application by Indian Courts, where Post-Mortem findings were decisive?
3. How does a Post-Mortem report serve as Evidence in Indian Jurisdiction and comparison with United Kingdom and the United States jurisdictions, specifically safeguarding against wrongful convictions?
4. What procedural safeguards and statutory provisions may be introduced to prevent over-reliance?

## **Literature Review**

### **Post-Mortem Report is not Conclusive Evidence**

The Post-Mortem report is crucial evidence in murder cases, but it does not have a status of substantive or conclusive evidence. In Indian jurisprudence it can be used only to corroborate other evidence in the case. In India, the post-mortem report is categorized under the definition of ‘expert opinion’ under section 45 of the Indian Evidence Act. Exception – Under Section 294 if the defence do not dispute the genuineness of the post-mortem report, it is admissible. In the case of **Munshi Prasad v. State of Bihar AIR 2002<sup>[9]</sup>** the Supreme Court ruled that the post-mortem report by itself is not substantive evidence, but the doctor’s evidence would be sufficient to be considered as substantive evidence.

### **Post-Mortem Report can gain Evidentiary Footing**

During criminal trials, Post-Mortem report can gain evidentiary footing if the examining doctor or expert would be prosecuted and cross-examined in the court. Until a report is backed by the testament of the examining doctor, such evidence shall be considered merely as “opinion evidence”<sup>[7]</sup>. In the case of **Abdul Rahman Sheikh v. State of Madhya Pradesh**, the Supreme Court established the evidentiary footing and significance of cross-examination by the prosecutors.

### **Conflict between Two Opinions – Doctor’s and Eye-Witness**

Whenever there is a direct conflict between the Doctor’s opinion and that of the Eye-Witnesses, the later prevails. The reason behind this practice is that an Eye-Witness provides a testimony of what has happened at the crime scene, whereas the Doctor merely provides his opinion and possibility of a crime happening in a certain way.<sup>[6]</sup> In the case of **Ram Swaroop v. State of Rajasthan AIR 548 of 2008<sup>[8]</sup>** the Supreme Court has established that ocular evidence precedes over medical evidence.

### **Conflict between Two Expert Opinions**

In situations where there is a conflict of opinion between two doctors, one supporting the prosecution and the other against, then the opinion supporting the eye-witness testimony will be taken into consideration as per the Supreme Court’s judgment in the case of **Piara Singh v. State of Punjab<sup>[10]</sup>**.

## Comparison between US, UK and Indian Jurisprudence with respect to Post-Mortem Report Status

While the Constitution of India has components of the constituents and basic structures adopted from advanced nations like the US and the UK, there are deviations in perspectives in dealing certain matters. For example, for a post-mortem report to be admissible, the doctor preparing the document should be produced for cross examination as per UK's constitution, while the confrontation clause stands as a barrier for admissible evidence in the US.

The Indian jurisprudence has a fact and case-based approach due to which ambiguity exists. We shall now understand in detail the legal status of postmortem report in the US, UK and India with the help of case studies, statutory provisions in the coming section.

### Analysis and Discussion

To examine the legal status of post-mortem report in the US, UK and India, let's discuss the statutory provisions and case laws to understand in detail the requirements.

In the US, a post-mortem report should be admitted strictly as corroborate evidence as per the **Sixth Amendment's** Confrontation Clause. This clause guarantees the right of the accused individuals to confront their accusers, upholding the Principles of Natural Justice. Further, to avoid the exploitation of such vast provision, they have mandated the testimony of the doctor who produced such report to satisfy the Confrontation Clause.<sup>[12]</sup>

Testifying the autopsy report is mandated by the Confrontation Clause. So now the question arises as to what happens to a case if the examining doctor due to death, unavailability or even after a good effort has been put into producing the doctor to testify, remains absent? To understand this let's discuss the case below:

In the **Crawford v. Washington (2004)** case, the Supreme Court has adopted the approach laid down in **Ohio v. Robert**, where a 2-step Confrontation Clause should be satisfied i.e. (1) that to produce the unavailable medical examiner, a good faith effort must have been taken and (2) that the post-mortem report being submitted should have sufficient "indica of reliability" to be admissible in favour of the accusers<sup>[15]</sup>.

In the case of *Monacchio v. Moran* when the Medical Examiner has moved to Israel and was

not brought to testify, the prosecutor introduced the autopsy report by calling a different medical examiner to testify.<sup>[14]</sup>

Now, in the UK, the Coroners and Justice Act, 2009 establishes that a post-mortem report is admissible requiring the examining doctor to testify. In situations where the examining officer may not be available, it will be the court's discretion to either accept or deny the report as corroborative evidence. The legal status of post-mortem report is confined to that as expert opinion and ocular evidence prevails over this report.<sup>[16]</sup>

The UK and USA have similar confrontation clauses. The rights of the accused are protected equally during the criminal trial proceedings. In 2003, the *R v. Sally Clark* case has changed opinions about the court solely relying on the Post-Mortem report. Some facts were hidden by the accused prosecutor which led to the wrongful conviction of solicitor Sally Clark. The later facts have proven quite the opposite and the court quashed both convictions subsequently and emphasised on completeness of the post-mortem report and genuine disclosure of all the relevant facts by both the parties.<sup>[17]</sup>

In India, the position remains far less settled. The courts have repeatedly acknowledged the value of a post-mortem report, but have been equally clear that it cannot, on its own, be treated as conclusive. In *Balaji Guntu Dhule v. State of Maharashtra* ((2012) 11 SCC 685), the Supreme Court underlined that while medical opinion carries weight, it must be read in the context of other evidence, particularly eyewitness accounts and the broader chain of circumstances. Earlier rulings, including *Ram Swaroop v. State of Rajasthan* (2008) and *Munshi Prasad v. State of Bihar* (2002), echo the same principle: ocular testimony, where credible, will prevail over conflicting medical opinion. Unlike the U.S. and U.K., India has no explicit statutory framework mandating the appearance of the medical examiner for cross-examination, leaving much to judicial discretion. This creates a space of uncertainty where the probative value of a postmortem report varies from case to case. The comparative perspective shows a striking contrast: while the U.S. and U.K. have embedded procedural safeguards through the Confrontation Clause and the Coroners and Justice Act, India relies on judge-made principles and piecemeal statutory references under the Evidence Act. The result is an ambiguity that underscores the need for clearer legislative direction, so that courts do not either over-rely on or unduly discount the evidentiary worth of post-mortem reports.

## Conclusion

The numbers show why courts in India hesitate to treat post-mortem reports as conclusive. A recent review of cause-of-death certification practices revealed staggering levels of error. In some hospitals, fewer than one in ten certificates were filled correctly, and the rate of major mistakes ranged anywhere from **8.5 percent to nearly 100 percent** depending on the institution. Even basic details such as the sequence of medical events or the time intervals between them were often missing in the majority of reports. When the Supreme Court in *Munshi Prasad v. State of Bihar* (2002) observed that a post-mortem report cannot stand alone as substantive evidence, it was not speaking in the abstract—the medical record itself shows why reliance without corroboration is risky.

The problem is not just paperwork but also interpretation. A 2025 study at Shri Mata Vaishno Devi Institute found that **only 10.38 percent of certificates were correctly prepared**, while **almost three-quarters carried serious errors**. In nearly **one in ten cases** the clinical cause of death did not match the autopsy findings. Global research points in the same direction: large reviews suggest that **between 30 and 60 percent of autopsies worldwide** reveal at least one discrepancy with the treating physician's diagnosis, and even when doctors felt "certain," about a quarter of autopsies uncovered something they had missed. This is why the Court in *Abdul Rahman Sheikh v. State of Madhya Pradesh* stressed that such reports should be tested in open court, through the testimony and cross-examination of the medical examiner.

Scale also matters. In South Kerala, over a fourteenyear period, forensic doctors carried out **more than 46,000 medico-legal autopsies**. Only **957 of those—just 2 percent—were classed as homicidal deaths**. That figure underlines a basic point: while autopsies are central to medico-legal practice, homicide cases form only a small slice of the total workload. Elsewhere, government forensic departments report anything between **a hundred and five thousand autopsies a year**, depending on their size and resources. Such uneven capacity inevitably affects quality. It also explains why in *Ram Swaroop v. State of Rajasthan* (2008)<sup>[20]</sup>, the Court reaffirmed that when there is a conflict between a medical opinion and a reliable eyewitness, the latter should ordinarily prevail.

Finally, conviction data illustrates the limited weight of medical evidence when taken alone. The NCRB's Crime in India 2022 report shows that more than **28,500 murder cases** were registered that year, but the conviction rate was only **42.5 percent**. Postmortem reports were

used in most of these prosecutions, yet convictions generally required something more: the testimony of witnesses, supporting circumstantial evidence, or a clear chain of causation linking the accused to the act. This approach mirrors the reasoning in *Piara Singh v. State of Punjab* (1969), where conflicting expert opinions were resolved by giving priority to other forms of evidence<sup>[19]</sup>. In short, the statistics back up what the case law has long held—post-mortem reports are vital, but they are not enough by themselves.

**Endnotes:**

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