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## Case Report

### KIDNAPPING AND HOMICIDE: A CASE REPORT

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#### ABSTRACT

Kidnapping is a global and historic issue world-wide and good governments are doing as much as they can to ensure that the kidnapers are captured and punished. Almost all countries have criminal laws addressing the issue of child protection, and in most countries, the laws also place an emphasis on prevention as well as prosecution. There are many causes of kidnapping, among them are unemployment, poverty, religion, political issues and monetary compensation and so on. The practice can be reduced with government involvement. Some of the negative effects of kidnapping are psychological trauma, lack of trust, fear and homicide. As such, homicide by smothering is possible when victim is incapacitated from drinks or drugs, very weak, child or old person and in ill health.

We encountered a case of Kidnapping and smothering of a 5 year old male child, who was missing under mysterious circumstances for last 2 days. The dead body was found in decomposed state in the almira of nearby closed mobile shop with mouth and nostrils closed with plastic adhesive tape. Both the hands were tied with plastic adhesive tape at front region and both the ankles were tied with piece of cloth at the level of ankle joint. The dead body was brought to nearest Civil Hospital for medico-legal Post-mortem examination by Police. It was referred to the Department of Forensic Medicine, PGIMS, Rohtak by the board of Doctors for Forensic Expert opinion. Autopsy showed mild ecchymosis around mouth and tip of nose. The cause of death was opined as asphyxia due to smothering.

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#### INTRODUCTION

Child kidnapping is a deep-rooted crime worldwide. Not only does forceful removal of a child from his family traumatize the victim, it also unravels the lives of his parents, family, and community. Almost all countries have criminal laws addressing the issue of child protection, and in most countries, the laws also place and emphasis on prevention as well as prosecution.

In Indian context, kidnapping is removing a person from lawful guardianship. Consent of the person and intention of kidnapper is immaterial. It is an offence to: (i). Kidnap a child with the intention of taking any movable property of a child less than 10 years (S. 369 I.P.C). (ii). Kidnap a minor from lawful guardianship of less than 16 years and less than 18 years girl (S. 361 I.P.C). (iii). Kidnaping or maiming a minor for purpose of bagging. (iv). to procure a girl for prostitution, if she is less than 18 years (S. 366 I.P.C). (v). to import a girl to India from a foreign country for illicit intercourse, if she is less than 21 years (S.366 I.P.C) [1]

With intention of taking any movable property of a child after kidnapping, the innocent child is often killed if kidnapper's demands are not fulfilled or not satisfied with their demand.

Kidnappers many a time apply that mode of homicide can be caused with less force or efforts like asphyxia which include smothering, strangulation, throttling. Asphyxia is one of the common modes of death encountered in medico-legal practice.

Smothering is a form of asphyxia which is caused by closing the external respiratory orifices either by the hand or by other means, or blocking up the cavities of the nose and mouth by the introduction of a foreign substance. [2] It may be brought by circumstances that prevent breathing by obstruction of the nose and mouth. Smothering agent is usually fabric, adhesive tapes, pillow or hands. Sometimes sand, grains, mud, flour, thick grass or vegetation may be responsible for blocking the air passage. Death in such cases may occur either by the occluding substance pressing over the nose and mouth or by the passive weight of the head pressing the nose and mouth into the occlusion. It is mostly homicidal where victim is child or old person, incapacitated from drink or ill health person. [3]

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We encountered a case of homicide by smothering after kidnapping of a five years old male child, who was missing in mysterious circumstances for 2 days. His dead body was found in decomposed state in almirah of a nearby closed mobile shop with mouth and nostrils closed with plastic adhesive tape.

### **History**

One day police was informed that a five year old child was missing for the last two days, when he went for playing outside front his house. Some unknown person called telephonically to the child's father for monetary compensation for the recovery of his child. The police took immediate action and after careful search with the help of sniffer dogs, the dead body was found in decomposed state in almirah of a nearby closed mobile shop with mouth and nostrils closed with plastic adhesive tape. Both the hands were tied with plastic adhesive tape at front region and both the ankles were tied with piece of cloth at the level of ankle joint. The dead body was brought to nearest Civil Hospital for medico-legal Post-mortem examination by police. It was referred to Department of Forensic Medicine, PGIMS, Rohtak by the board of doctors for Forensic Expert opinion.

The apparent cause of death as mentioned in the police paper was: "Abhi tak kusch bayan nahi hua he".

### **Autopsy Findings**

External examination: Body was in early stage of putrefaction. Maggots were crawling all over the body. Ears, eyes, nose, mouth, lips and tongue were deformed due to pressure of adhesive tape and decomposition. The right eye was open and protruding out. Left eye was closed with eyeballs putrefied and softened. Facial features were distorted and recognizable with difficulty. Skin, soft tissues showed decomposition changes. Following injuries were noticed over the body:

1. Reddish ecchymosis was present around the upper and lower lips, nostrils and tips of nose. On dissection, underlying tissues showed mild ecchymosis.
2. Reddish ecchymosis was present over the posterior aspect of right and left wrist joint. On dissection, underlying tissues showed mild ecchymosis.
3. Reddish ecchymosis was present over anterior, lateral and posterior aspect of right and left ankle joint. On dissection, underlying tissues showed mild ecchymosis.
4. Internal examination: All the internal organs were putrefied and softened. Hyoid bone was intact.

### **Opinion**

The cause of death was opined as asphyxia due to smothering.

## **DISCUSSION**

Persons are kidnapping & abducted by criminals for various reasons and intentions viz. for adoption, begging, camel racing, illicit intercourse, marriage, prostitution, ransom, revenge, sale, selling body parts, slavery, unlawful activity, murder and for other purposes.

### **Cause of kidnapping**

There are major causes of kidnapping around the globe and they include:

- Unemployment
- Poverty
- Illiteracy
- Religion
- Greed
- Politics
- Corruption etc.

### **The Effect or Consequences of Kidnapping**

Some of the negative effects of kidnapping

- Psychological trauma
- Lack of trust
- Fear
- Homicid

### **Psychological Trauma**

The negative psychological effects of being abused are huge, especially for a child. Depression, anxiety, PTSD may last a lifetime.

### **Fear and Lack of Trust**

In society where the incidence of kidnapping is high, fear limits people's lives and actions. They always move with caution as they do not know who is likely to be the next target. The rich men surround themselves with security guards because of the fear of getting kidnapped.

### **Homicide**

Homicide is done when monetary compensation and other demands are not fulfilled. Jealousy also plays a major role in it. [4]

### **Solutions to Kidnapping**

There are solutions which when applied will help to reduce the rate of kidnapping in any society or country. Among them are:

- Training strong anti-kidnapping agents
- Monitoring the activities of the policemen
- Serious punishment for any kidnapper
- Job creation

### **Training Anti-Kidnapping Agents**

Any society that wants to fight kidnapping successfully should hire and train capable people to combat the issue. When law enforcement agencies are actively involved, the incidence of the crime is lessened.

### **Monitoring the Activities of the Policemen**

Reports have shown that policemen assist in some kidnapping. Notable examples are some of the abductions that take place in Mexico. Eliminating the criminals within the rank of law enforcing key.

### Seriously Punishing Any Kidnapper Caught

Mild punishment only serves to encourage the criminals. When the government treats kidnapper harshly, fewer crimes will be committed.



Figure 1 External appearance of child



Figure 2 Smothering by plastic adhesive tape



Figure 3 Removal of plastic adhesive tape



Figure 4 Congestion of putrefied brain matter

### Job Creation

Generating jobs for the citizen of every country, especially the youth, will promote the fight against crime. When they people are gainfully employed, they won't need to commit crimes. [5] NCRB has collected comprehensive data on kidnapping & abduction under revised the proforma of "Crime in India" for the year 2014.

A total of 77,237 cases of kidnapping and abduction were reported during the year 2014, showing an increase of 67.9% over the 2004 level (46,003 cases), an increase of 67.9% over the annual average of 2009-2013 and an increase of 18.0% over the previous year (65,461 cases). The highest incidence of kidnapping & abduction were reported from Uttar Pradesh (12,361 cases) accounting for 16.0% for total such crimes followed by 10.1% in Madhya Pradesh (7,833 cases), 9.2% in Delhi UT (7,143 cases) and 8.5% in Bihar (6,570 cases). The rate of crime was highest in Delhi UT (35.2) followed by Assam (15.2), Haryana (11.5) and Arunachal Pradesh (11.3). Maximum victims of kidnapping & abduction were under age-group of 18 years and above – below 30 years (29,926 victims). The number of victims in this age group accounted for 38.1% of the total such victims reported during the year 2014. Uttar Pradesh has reported the highest number of kidnapped and abducted persons, followed by Madhya Pradesh (7,940 persons), Delhi UT (7,496 persons), Bihar (6,595 persons) and West Bengal (6,221 persons) contributing 10.1%, 9.6%, 8.4% and 7.9% of total kidnapping & abductions respectively.

West Bengal has reported the highest number of child victims kidnapped or abducted under the age group below 6 years (341 out of 1,836) amounting for 18.6% total such kidnapping and abduction. Delhi UT has reported highest number of kidnapped or abducted children belonging to age group 6 years – below 12 years (1,017 children) accounting for total such kidnapped or abducted children. Delhi UT has also reported kidnapping and abduction of children belonging to age group 12 years – below 16 years (2,988 children) accounting for 20.7% of total such kidnapped or abducted children. Madhya Pradesh has highest kidnapping or abduction of 3,260 children belonging to the age group 16 years – below 18 years accounting for 17.7% of total such kidnapped or abducted children. Uttar Pradesh has reported maximum number of victims under the age group of 18 years & above – below 30 years (5,537) account for 18.5%. Assam has reported the maximum victims under the age group of 30 years – below 45 years (1,471 persons) accounting for 17.2 % of total such victims. West Bengal has reported highest kidnapping for 31.2% of total such victims. Jharkhand has maximum number of victims under the age group of 60 years and above (39 persons) accounting for 34.8% of total such victims.

Majority of victims of kidnapping and abduction were females (58,492), accounting for 74.6% of total kidnapped and abducted persons during 2014. Marriage was the main cause of kidnapping & abduction of females accounting for 52.9% (30,957 out of 58,492) of the total female kidnapped & abducted. Murder which is included since 2014 as a purpose of kidnapping and abduction (1,126 out of 19,954), ransom (629 out of 19,954) and revenge (235 out of 19,954) were the main causes of kidnapping and abduction constituting 5.6%, 3.2%

and 1.2% of the total kidnapped and abducted males respectively. [6]

Homicide by smothering is possible when victim is incapacitated from drink or drugs, very weak, child or old person in ill health and when the victim is stunned by a blow. Usually, the mouth and nose are closed by hand or cloth, or the face may be pressed into a pillow. [7]

The present case is a homicide by smothering of a child by closing the mouth nostrils with plastic adhesive tape when there was great physical disparity between assailant and victim. The case showed ecchymosis over lower lips, nostrils and tip of nose. The hands and feet of child with plastic adhesive tape and piece of cloth respectively for the minimization of child effort to get rid of. Considering the described findings and circumstantial evidence, we can very well say that the manner of death was none other than homicide.

Seon Jung Jang *et al* reported a case of homicide in 21 years old man with hot stem towel by his mother by thinking that the person was possessed by demon. [8]

A recent study shows that a higher variability of manner of death was revealed between cases, but homicides are occupied 20.7% in total smothering cases [9]

## CONCLUSION

In this case a meticulous autopsy and careful history helped in determination of cause and manner of death. The autopsy reveals that child was overpowered and then smothered by closing the nose and mouth with plastic adhesive tape. This clearly indicates that this is a case of homicide involving more than one or more persons.

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