

Trial By Social Media-Guilty Till Proven Innocent

By Dr. Neelam Batra-Verma



It is Important to Investigate the Missing Links in Investigation Theories of Actor Sushant Singh Rajput's Death in Order to End Trial by Social-Media

A lot many years ago, I used to write stories on trial by media. This is 2020, and trial by media is obsolete. It has been taken over by trial by social media, and try as much as you can, you cannot reign in the common man on the platform. Trial by social media today of high-profile cases, is hardly uncommon and it would be difficult to believe its impact on trials. **Briefly, the principle of innocence which is the legal principle of criminal justice system seems to have reversed-instead of innocent till proven guilty, as a result of social media, the principle has turned head over heels to guilty till proven innocent.** In the nineties, when 24-hour news channels were cropping up like wild mushrooms and competing with each other for exclusive news, every little detail of a case, especially involving a celebrity, was telecast all day and night after tempering with spices. **Every juicy detail, confirmed or not, was gobbled up by the audience and relished for days as just a few shots were played again and again till the audience had almost mugged up every little shot.**

However, these days, news in each channel or print media, is allowed to run depending on the media house's affiliation with certain political party or advertising revenue or any other money received from different sources, to run these so-called independent media houses. **But the common man can run their channel without any affiliation and therefore are the king of the social media.**

Sushant Singh's Death, A Case In Point (Forensically)

Death of Sushant Singh Rajput has blown up on the social media like a volcano just as soon as the news disappeared from the mainstream media. Every day, nay every hour, a new video or new information is circulated on Facebook, Instagram or Twitter.

Everyone is talking like an expert and everyone has something to say, most of all those who can relate to him and his situation in the Bollywood industry. Many have raised their fingers on a couple of Bollywood stars like Salman Khan, Mahesh Bhatt, Karan Johar, Rhea Chakrabarty etc and their ill treatment towards Sushant.

Not going into the details of his treatment by Bollywood stars as I am no expert, what struck me most was that the pictures of his body circulated in the media, seemed to be missing signs of strangulation that I had studied in my Forensic Science class years ago. **Though the pictures certainly were of bad taste yet will surely prove to be evidence if and when, the case goes to trial.**

At present, a debate is raging among Sushant's fans whether he was murdered first and then hanged or he hung himself. If he committed suicide, it is difficult to believe that a literate person like him would not leave a suicide note for his family. Having gone through the pain of death of his mother, would a sane person like Sushant, put his father and other family members through the same pain again? That too, without even a phone call to his father or other relatives. **The fact that he was close to his family could not be denied as one of his relatives, died, as she could not bear the pain of his death. And if he felt tortured by rumours in the media about him, he had his own set of fans that could easily uplift his sinking morale.**

An avid reader, his IQ level certainly was much higher than any person in Bollywood and even beyond his 34 years. His appeal to the younger generation to move forward with science but try to relate ancient Vedic scriptures with it could not be given by a person with a negative attitude towards life. **His Instagram posts were full of positive quotes that could bring any person down in the dumps, to the realities of life. It is difficult to digest that an optimist with dreams to fulfill could suddenly end his flight midway. This is one reason his fans are not ready to believe that a person as lettered and cultured as he was, could hang himself and therefore are coming up with various theories.**

Anyways, all this is subjective talk, hearsay or rumours and it depends on the investigating officers how they can go about accumulating evidence to prove in the court of law on who and why he was pushed to do what he did. Investigating officers working on the case, at present only have circumstantial evidence to determine whether Sushant was murdered, or he really committed suicide.

While studying for my masters and later doctorate in Forensic Science and studying the different signs of homicide or death, the most common physical sign of death by hanging after strangulation were not there. **Dr Dinesh Rao, Ex Director and Chief Forensic Pathologist, Department of Forensic Medicine at Oxford Medical College, Hospital & Research Centre, Bengaluru**, while speaking with me opines, "His clothing was intact, there were no external injuries to exposed areas of his body, no notable injuries on the right hand if he was a right handed person, his nose and mouth and lips are devoid of injuries and no fluid or froth from either his lips or nasal passage which clearly shows he was alive before he hanged himself." **(See detailed interview) (<https://www.asiannewsmakers.com/sushant-singh-rajputs-death-police-should-follow-protocol-dr-dinesh-rao/>)** It is the job of a forensic pathologist to determine or distinguish between self-hanging and some other forms of strangulation and between suicidal, accidental hangings or homicidal.

The Forensic Protocols

A study of gross post-mortem Findings in Cases of Hanging and Ligature strangulation by **Forensic Scientist Mohammed Shaikh** et al, published in the **journal of Indian Academy of Forensic Medicine** in 2013 was performed on 90 cases of death due to compression of neck by ligature. According to the research paper, detailed information was obtained from crime scene investigation findings and photographs were collected and thoroughly studied before conducting postmortem examination. **Irrespective of information collected, both external and internal postmortem findings were observed very carefully with standard autopsy protocol. Dribbling of saliva present in case of hanging while rarely in case of ligature strangulation.** Post mortem findings like bleeding from mouth and nose, cyanosis, involuntary discharge of urine, fecal matter, semen on glans penis, periligature injuries, fracture of hyoid bone, thyroid cartilage, larynx and trachea in cases of hanging and strangulation are nonspecific and variable depending upon composition of ligature material, force applied on neck and its duration. **However, either singly or in combination, these findings are helpful when ligature mark creates element of doubt in cases of hanging and ligature strangulation.** It can be concluded that presence of other bodily injuries suggests only manner of death not about hanging or ligature strangulation. **In doubtful cases final opinion will be made depending upon circumstantial evidence, crime scene investigation and autopsy findings.**

The study concluded that majority of hanging deaths are relatively straightforward when opining the manner of death, typically determined to be suicide. However, there are rare hanging deaths that require the forensic pathologist to seek additional information. Forensic pathologists commonly consider an accidental manner of death when the hanging death scene includes evidence of **solitary sexual activity consistent with autoerotic asphyxia**, writes the paper.

Here, the authors present a case of an initially apparent suicidal hanging where important death scene details photographed by the medical examiner investigator and history provided by family members during subsequent conversations ultimately helped the forensic pathologist conclude an opinion that the hanging was accidental, likely due to autoerotic activity.

Before opining a manner of death in hanging deaths, forensic pathologists are encouraged to consider details beyond that obtained from the initial death scene investigation and post-mortem examination. A thorough medico legal death investigation should not be viewed as introducing cognitive bias, but rather as necessary information needed to determine the most accurate cause and manner of death.

Important To Find Those Missing Links

Therefore, as of now, the investigating officer needs to concentrate on circumstantial evidence obtained from the scene of crime as well as pictures taken at the crime scene, which can hopefully be presumed to be uncontaminated and witness statements.

One important case that comes to mind where police mishandled the crime scene, resulting in the accused going scot free, despite years of investigation is the **Aarushi Talwar murder case in 2008**. A hundred theories were circulated with her parents spending time in prison, yet no evidence to the real murderer. **In that case too, the police had jumped to conclusions before examining any evidence and let the crime scene be a viewing focal point for all and sundry.**

Fans are demanding a CBI inquiry, as they believe that Sushant was a victim of circumstances where he was forced to take such a drastic action by some well-connected people in the industry. The common man today is smart, aware and intelligent and can see through the web of lies or fake news. **They won't rest till they have received confirmation of either suicide or homicide after thorough investigation and evidence. There certainly are some missing links and theories, which need to be investigated.** Sushant's fans certainly hope that the crime scene was not allowed to be contaminated like the Arushi case and the police had obtained all clues before sealing it. Sealing? Has his flat been sealed or allowed to be a site for public viewing?

Bollywood is Guilty Till Otherwise Proven So!

Unfortunately, many actors before Sushant have met the same fate as him. That time too eyebrows were raised, some gossip and various theories floated, but nothing after that till yet another incident and the cycle is repeated. The series of suicide before and after Sushant by young upcoming actors, does throw a bad light on the industry and its slimy suspicious activities behind the scene, which may not be for all to understand and bear. **A few years of struggle later, the young aspirants reach a stage where they don't see any light at the end of the tunnel – the high and mighty in the industry don't let them come up and they are not in a position to return. It is high time to bring some standards and accountability in the industry for safety and peace of everyone. With a series of suicides in the last few months, the industry has attained notoriety.**

Anyway, with an active social media, which has already pointed fingers at the influential few in the industry, it looks like Sushant's fans have already proved them guilty after trial by videos of people close to him and the statements of his well-wishers. **And they have been punished already by reduction of their fan following and pledges of not watching their films anymore. But much will be known when they release their next movies. Undoubtedly, social media has already tried them, proved them guilty and sentenced them. Bollywood you are guilty already; now try to prove your innocence to your fans. Amen!**