

SERIAL KILLINGS: A STUDY OF RAMAN RAGHAV CASE.

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ABSTRACT

Murder as a crime has existed in our society since the 1660s. Historians and researchers have found evidence of murders occurring in Ancient Rome and moving on through the centuries. Serial Murder is also not a new phenomenon, dating back to ancient times, serial murders have been documented around the world. In his 1886 textbook Psychopathia Sexualis, Richard Von Krafft-Ebing described various case studies of sexual homicide, serial murder, and other areas of sexual proclivity. Serial murder as a crime fascinates the world and grabs a lot of attention due to the questions around it regarding the psychological, biological, or social reasons behind them. This article focuses on these mentioned aspects of serial killings along with the legal provisions for the judgment of this crime. It also includes the study of India's most Notorious Serial Killer 'Raman Raghav' his modus operandi, the investigation of the case, and the judgment. The article also includes the loopholes in Indian laws for the provisions of crimes committed by mentally retarded persons.

DEFINITION

A serial killer is typically a person who murders 3 or more people with the events taking place stretching over more than a month and each having similar characteristics. Serial killers are people who repeatedly murder others and distinctively lack empathy for others combined with an apparent absence of guilt.

TYPES OF SERIAL KILLERS

There are four types of serial killers

Hedonistic - who seek thrill and enjoy committing murders

Mission Oriented – who believed that they are doing society a favor by eliminating some people.

Visionary- who believe that some higher authority has ordered them to terminate people and

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Those who seek power/control, who seek to dominate their victims.

Serial killer Raman Raghav who is the prime focus of our study belonged to the category of Visionary Killers because of his belief that the government had hired and ordered him to commit crimes and kill people.

UNDERSTANDING THE PSYCHOLOGY BEHIND THESE ACTS

Often these killers are adults with traumatized childhood who try to create an imaginary world of their own to escape the loneliness of this real world. These are generally the kids with difficult parents, peers, teachers, Or siblings. The Violence committed by them is the projection of their experience of hatred and malevolence in the real world. According to research serial killers who had been the victim of such childhood abuse physically, sexually, or psychologically tend to sexually assault their victims before murdering them. Hickey's trauma control model¹ explains that family behavior and upbringing appears to be the primary factor in determining whether a child's behavior will progress into genocidal activity. "But all abused children become serial killers and not all serial killers are childhood abused"². Apart from this, there are many other reasons or motivations behind any criminal committing a such heinous crime. These include lust, thrill, attention seeking, or some other psychological, biological, or social cause.

MOTIVATION

Anger is one of the prime motivations for serial killings. John Allen Muhammad, a former U.S. Army staff sergeant who along with his ally Lee Boyd Malvo in October 2002 was charged with killing 10 people by carrying out sniper attacks in Washington D. C. They primarily killed out of anger and thrill motivation.

Another motive for serial killings can be financial gain. Paul Reid an American serial murderer killed at least seven people between February to April 1997 during fast-food restaurant robberies in Tennessee. The prime motive for these killings was witness elimination.

Also, killers are motivated by psychopathy due to which they are forced to believe themselves to be some other individuals or that they are assigned the task of killing. One of the prime examples of this category is the criminal Herbert Mullin who believed that his father instructed

¹ Eric Hickey's Trauma Control Model, 1997.

² Legal service India e- journal.

him via telepathy to raise the number of human sacrifices to Nature to delay a catastrophic earthquake in California. One of the most infamous cases linked to this is The Raman Raghav case of an Indian serial killer, which we will discuss further.

INVESTIGATION OF A SERIAL MURDER CASE

There have been several attempts by law enforcement bodies, criminologists, and various experts over understanding the psychology behind such crimes. In a symposium conducted by the FBI ³ in this context it was observed that motive determination is difficult in crimes like this as there could be more than one motive behind this. Also Utilizing investigative resources to discern the motive instead of identifying the offender may derail the investigation. Even, seldom serial murders are committed without motive, and the exception to that would be the mental illness of the offender.

Investigating any serial murder case is a nebulous task in itself as it is not easy to find any single motive behind such acts and there could be more than one reason existing. It is also extremely difficult to find an obvious Link between the offender and the victim. For the most part, the victim appears to be a stranger to the offender, and thus in such a situation finding the motivation seems to be a closer attempt.

Another reason which makes the investigation even tougher is that most serial killers escape the purview of being suspected due to their exceptionally charming disposition. These are often the people with ideal careers having decent earnings, perfect families, and personal as well as professional life. One such vastly known case is of Charles Sobhraj known as the "Bikini Killer" who was described as "handsome, charming and utterly without scruple"⁴. He committed more than 20 murders in the. His attractive personality played a prominent role in luring his victims and even in the success of his attempts to escape the prison several times.

SERIAL KILLINGS AND INDIAN LAWS

Serial killing is considered a very rare occurrence or even termed the "rarest of the rare" crime and hence there is no specific law in India stating the punishment for such crimes. The

³ <https://www.fbi.gov/stats-services/publications/serial-murder>

⁴Anthony, Andrew <https://www.gq-magazine.co.uk/article/charles-sobhraj-serial-killer-interview> GQ Magazine. Retrieved 4 April 2021

provisions dealing with serial killings are **section 299 and section 300 of the Indian Penal Code**⁵ and the punishment is prescribed under **section 304 and section 302** respectively.

According to **section 299 of IPC**, Culpable Homicide – Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death or with the knowledge that he is likely by such act to cause death, commits the offense of culpable homicide.

And according to **section 304 of IPC** a person convicted of culpable homicide shall be punished with life imprisonment for life or imprisonment for either description which may extend up to 10 years.

Section 300 of IPC Murder. Except in the cases excepted Culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or—

2ndly.—If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or—

3rdly.—If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or—

4thly.—If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

According to **section 302 of IPC**, any person who is convicted of murder shall be punished with death or with imprisonment for life and shall also be liable to a fine.

MEDICAL AND LEGAL INSANITY

The exemptions to these charges and punishment are generally invoked under **section 84 of IPC** which states Act of a person of unsound mind – Nothing is an offense which is done by a person who, at the time of doing it, by reason of unsoundness of mind is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law. According to the law, the act is punished if it is done without the necessary *men's rea* which is the Latin maxim for intention. When proved that the accused at the time of the commission of the offense was under the influence of such insanity and caused harm without knowing the nature of his

⁵ Indian Penal Code, 1860.

act or that what he is doing is either wrong or contrary to the law can be benefitted under this provision.

Since the court only considers legal insanity it is needed to differentiate between legal and medical insanity. legal insanity is not the same as medical insanity as a person can be medically ill but to invoke the defense under section 84 the accused needs to prove the absence of his rational thinking and that he could not understand the difference between right and wrong at the time of committing the offense.

The topic of serial killings brings about plenty of fascination in the minds of people globally. There can be found several written works on this topic. Many filmmakers have been attracted to the cases related to serial killing such as Sriram Raghavan made a 68-minute film named Raman Raghav, a city, a killer⁶ Also, Anurag Kashyap's 'Raman Raghav 2.0'⁷ is inspired by the serial killer Raman Raghav. Unfortunately, these acts are not uncommon in India and there existed many serial killers, most of them suffering from some very serious mental illness like paranoid schizophrenia, depression, or any other such illness. One such case is of killer Raman Raghav who was also labeled as "Jack the Ripper" of India because of the most talked about murderer Jack the Ripper who was an unidentifiable killer active in London around 1888.

JACK THE RIPPER OF INDIA

Let us study the facts of the case of Raman Raghav

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Raman Raghav also known as Sindhi Talwai, Anna, Thambi, and Veluswami was a serial killer active during the mid-1960s. A homeless man, Raman Raghav committed a series of killings in 1965-66 attacking around 19 people out of which 9 victims died. The police arrested him but due to insufficient evidence, they had to let him go. Before this Raghav also had a police record for robbery for which he had spent five years in jail. Another round of killing took place in August 1968 on the outskirts of Mumbai where slum dwellers were bludgeoned at night when they were sleeping. This time the police launched a manhunt for him and he was arrested in September 1968. This most talked about the case in the history of serial killings has received several mentions in the writings.

⁶ Police Channel: Raman Raghav, A city, A killer.

⁷ Raman Raghav 2.0, 2016 movie starring Nawazuddin Siddiqui

INVESTIGATION AND TRIAL

In his confession, Raghav admitted to killing around 40 people in 1966 along the Great Indian Peninsula (GIP as the Central Indian Railway was then known) railway and around a dozen in 1968 in the suburbs. However, there are possibilities of more murders than these. The weapon used by him was a hard blunt object. The slum dwellers were terrified and hesitated to sleep in the open or even with open windows or balconies.

The sub-inspector of police Alex Fialho with the help of two respectable witnesses from the area recognized Raghav and he had been detained. The bush shirt and khaki shorts that he was wearing had blood stains on them and his shoes to were extremely muddy. Though he tried to deceive the officer by saying he is Raman Raghav his fingerprint matched with the one on record proving that he had several aliases and that he is Raman Raghav alias 'Sindhi Talwai'. He was arrested under section 30w of IPC on the charge of murder of Lalchand Jagannath Yadav and Dular Jaggi Yadav at Chinchawli village, Malad, Greater Bombay.

His preliminary trial was held in the court of the Additional cheap Presidency magistrate. For a long time, Raghav is used to answering questions however he later began to answer and give a detailed statement about his weapon and modus operandi. After this, the case went to the session court of Mumbai. The trial in the court of Additional Session Judge, Mumbai started on 2nd June 1969. The counsel for defence made an application regarding the accused suffering from unsoundness of mind and that at the time of the commission of the alleged offence the accused was incapable of knowing the nature of his act or that they were contrary to law.

Raman Raghav confessed to committing 41 murders. He thereafter was sent to the police surgeon, in Mumbai, where he was observed from 28 June 1969 to 23 July 1969. And was given the opinion of neither suffering from psychosis nor being mentally retarded. Also, his intelligence is average, his memory sound, and he was knowing the nature and purpose of his acts. Following this, the trial continued and he pleaded guilty. During the trial a psychiatrist from Nair Hospital, Mumbai was brought up as a defense witness. He after his interview with the accused in Arthur Road Prison gave evidence that the accused was suffering from Chronic paranoid schizophrenia for a long time and therefore unable to understand that his actions were contrary to the law.

MENTAL ILLNESS

Raman was held guilty by the Addition Sessions Judge, Mumbai, and was sentenced to death. Before confirming the sentence, the constitution of a Special Medical Board of three psychiatrists to determine whether the accused was of unsound mind and also whether due to unsoundness of mind, he was incapable of making his defence was ordered by the High Court of, Mumbai.

After interviewing Raman five times for about two hours each time, the Special Medical Board presented the following report. Though there are no details about childhood history available, no reliable history of mental illness family is obtainable and also the X-rays of the skull, blood examination, serological tests for syphilis, and cerebrospinal fluid examination including urine and stool examination were noncontributory. He was observed to have shown ideas of reference and fixed and systematized delusions of persecution and grandeur. The delusions experienced by the accused are –

- That there exist two distinct worlds; the world of 'Kanoon' and this world in which he lived.
- He had a fixed and unshakeable belief that the people were constantly trying to change his sex, but fails because he was a representative of kanoon.
- A belief that he is a power of 'Shakti'.
- A firmly believes that other people are trying to put homosexual temptations in his way to get him converted to a woman.
- He also kept on repeating that he is "101 percent man".
- A belief that the government brought him to Mumbai to commit thefts and made him commit criminal acts.
- An unwavering belief that there are three governments the Akbar Government, the British Government, and the Congress Government, and that these governments are trying to persecute him and put temptations before him.

These observations clearly demonstrate Raman's mental health and that he was suffering from Paranoid Schizophrenia and could not determine the difference between wrong and right and the nature and consequences of his acts. In fact, he was not a criminal who was doing these acts out of some evil intentions in mind, what he needed the most was treatment for his medical condition and to get rid of that image of the world that he believed existed. Not solely, Raman,

most serial killings are committed by a person suffering from diseases of such kind and every time such things occur there arises the need to investigate the cause and motivation behind the crimes along with measures to curb these and also to get such person rehabilitated.

JUDGEMENT

The High Court on 4 August 1987 reduced his punishment to life imprisonment and he was sent to Yerwada Central Jail, Pune, and was under treatment at the Central Institute of Mental Health and Research. Ramakant S. Kulkarni the then Deputy Commissioner (CID) who super headed the investigation in the case dedicated an entire chapter to this case in his book 'Footprints on the Sand of Crime'. In 1969, journalist and author Kushwant Singh wrote an essay 'Portrait of a serial killer' which has been in recent collections of his writings.

The Indian Legal System lacks an established structure for the laws committed by persons suffering from mental illness like Raman Raghav. The diseases can vary anything from extreme episodes of anger or anger to incurable ones like Paranoid Schizophrenia. There is a discretion between the crimes committed by people of such kind and normal people and all the cases cannot be judged under the same glass.

CONCLUSION

Psychology and law are interrelated as psychology plains the reason behind the crime committed. In India, there has not been much focus on the study of these subjects together and there can be found only a few researches regarding this. The Indian legal system needs to look into the cases of serial killing from a more psychological perspective and understand the reasons for occurrences of crimes of such grave nature. There needs to exist provisions regarding serial killings and the judgments in these cases. Rather than focusing on the punishment the judges should understand what goes into the minds of serial killers while committing and then the focus should be on the rehabilitation of offenders like Raman Raghav. Also, more care and caution should be taken in the prevention and investigation of cases of serial killings.