

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1685 of 2021

Date of hearing	Order with signature of Judge
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Fresh case

1. For orders on CMA No.8196/2021 (U/A)
2. For orders on office objections at Flag-A
3. For orders on CMA No.8197/2021 (Ex./A)
4. For hearing of main case

14-12-2021

Mr. Zakir Ali Rajper, Advocate for the Petitioner.

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1. Urgency is granted.

2 to 4. Through this Petition, the Petitioner has challenged opinion of Special Medical Board dated 09-12-2020 seeking annulment of the same and constitution of a Super Medical Board. We have, at the very outset, confronted the Petitioner's Counsel as to delay in challenging the report of the said Medical Board, and to this, he has not been able to satisfactorily respond. It appears that after this Medical Board, pursuant to an application under Section 22-A & B, Cr.P.C, an FIR has been lodged, wherein initially the matter was disposed of by the Court under C-class, which was then impugned in Criminal Miscellaneous Application No. S-85 of 2001, and vide order dated 20-09-2021, the said order was set aside by remanding the matter to any other Magistrate to pass an appropriate order. In that case, we do not see any reason to interfere in the proceedings; whereas, even otherwise considerable time has lapsed; therefore, no justifiable cause is made out to constitute any other Medical Board. In view of such position, Petition being misconceived is hereby **dismissed** with pending application; whereas, the Petitioner may seek remedy, if any, before the Court of Magistrate, wherein the report of the Investigating Officer is pending for orders.

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