

**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD**

**Const. Petition No. D- 1019 of 2024**

*Present:-*

**JUSTICE ZAFAR AHMED RAJPUT  
JUSTICE AMJAD ALI BOHIO**

**Petitioner** : Ghulam Mustafa, through  
Mr. Ahmed Ali Jarwar, Advocate

**Date of hearing** : 05.09.2024

**Date of decision** : 05.09.2024

**ORDER**

**ZAFAR AHMED RAJPUT, J:** - Through instant petition, the petitioner seeks direction to respondents No.2, 3 and 4 to constitute Super Medical Board for his examination.

2. Learned counsel contends that on 23.12.2023, the petitioner was assaulted for that he appeared at P.S. Kazi Ahmed and obtained a letter for treatment. He then appeared before Medical Officer, Ruler Health Centre (RHC), Kazi Ahmed, who examined him and issued Provisional Medico-Legal Certificate (MLC), dated 01.01.2024 by declaring his injuries as (1) swelling size 4x2 cm on the right little finger, (2) pain and swelling size 1x1 cm on the right triceps muscle / middle 1/3 of right upper arm, and (3) pain at the lateral side of left scapula. The nature of injuries was, however, kept reserved. On 12.01.2024, the said Medical Officer issued Final MLC describing the nature of injuries as “*Fracture without displacement involving middle phalanx of right little finger seen*” and declaring the injury No.(1) as “*Jurh Ghayr-Jaifah Hashimah*” punishable under section 337-F(v), P.P.C., and injuries No. (2) and (3) as other hurts punishable

under section 337-L (ii), P.P.C. Thereafter, on 15.01.2024, the petitioner lodged the F.I.R being No.12 of 2024 at P.S. Kazi Ahmed under section 337-F(v), 337-L(ii), 506(2), 147, 148, 504, P.P.C. against the accused persons, who challenged the Final MLC before the respondent No.3/ Medical Superintendent, Services Hospital, Hyderabad, who constituted Special Medical Board (SMB) for examination of the petitioner's Final MLC for "correctness or otherwise". On 13.03.2024, the SMB advised the petitioner for X-rays of the alleged injury No. (1) and as per X-rays report, the said injury was reported as previously healed fracture, and then the SMB vide its report, dated 25.03.2024, opined that the fracture with callus formation noted in middle phalanx of fifth digit of right hand was an old injury, hence, the same was not treated as "*Jurh Ghayr-Jaifah Hashimah*". Learned counsel further contends that the petitioner, thereafter, submitted an application on 20.05.2024 to the Director General Health, Hyderabad for constitution of Super Medical Board, however, his application was regretted on the ground that the said Board has been abolished by the Government vide dated 16.05.2006; hence, finding no other remedy, the petitioner has approached this Court.

3. Heard and record perused.

4. It is an admitted position that the injury No.1 in the Provisional M.L.C was reported by the Medical Officer as swelling on the right little finger, which injury was subsequently opined in the Final MLC as *Jurh Ghayr-Jaifah Hashimah* on the basis of X-Rays, which the Special Medical Board comprising of five (05) professors doctors of departments of surgery, medicine, orthopedic, F/Med: & Toxicology and radiology

unanimously opined after examination of the X-Rays of the petitioner that the same was an old injury, hence, the same was not treated by them as “*Jurh Ghayr-Jaifah Hashimah*”. The SMB issued its report on 25.03.2024; thereafter, after passing of more than 50 days, the petitioner approached to respondent No.3 for constitution of Super Medical Board. No reason has been assigned by the petitioner for not approaching to respondent No.3 immediately. He has also not mentioned any cogent ground for not accepting the opinion of SMB determining the alleged injury as an old injury. Hence, this petition being devoid of any merit is dismissed, accordingly in limine, with listed applications.

**JUDGE**

**JUDGE**

*\*Hafiz Fahad\**