

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No. D – 769 of 2026.
(Shafqat Ali Kalhoro vs Province of Sindh and others)

Date of hearing	Order with signature(s) of Judge(s)
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Fresh case

1. For orders on CMA No.2971/2026 (U/A)
2. For orders on office objection at flag 'A'
3. For orders on CMA No.2972/2026 (Ex.A)
4. For hearing of main case
5. For orders on CMA No.2973/2026 (S/A)

29.04.2026.

M/s Ali Gul Abbasi and Muhammad Zohaib Azam Rajput,
Advocates for the petitioner.

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- 1.** Urgency granted.
- 2.** Deferred.
- 3.** Granted.

4&5. The petitioner, being an injured person in FIR No. 70 of 2024 registered at Police Station B-Section, Ghotki on 07.10.2024 for offences punishable under Sections 337-A(iii), 337-L(ii) and 34, P.P.C., has assailed the office order dated 13.03.2025 issued by the Special Medical Board, whereby the medical certificate earlier issued by the Medical Officer, Taluka Hospital, Ghotki, declaring the injury as *Shujjah-e-Hashimia* was kept in abeyance and rendered cancelled on the ground of non-appearance of the petitioner before the Board.

Learned counsel for the petitioner contends that the action of the Special Medical Board is contrary to the settled principles of natural justice. It is argued that once the injury had been medically examined and declared by a competent Medical Officer, any reversal or reassessment thereof necessarily required the physical examination of the injured person. However, in the present case, the certificate was suspended merely on the ground of alleged non-appearance, without establishing that due notice was ever served upon the petitioner. It is further submitted that no material has been

placed on record to demonstrate that any effort was made to ensure the petitioner's presence before the Board. Learned counsel submits that the petitioner is willing to appear and requests that the Board be directed to conduct a fresh examination.

On the other hand, Mr. Zulfiqar Ali Naich, learned Assistant Advocate General Sindh, who waived notice, fairly conceded that the contentions raised by the petitioner are justified. He submitted that examination of the injured by the Special Medical Board is essential for arriving at a just conclusion and that keeping the matter in abeyance without such examination may adversely affect the trial.

Heard learned counsel for the parties and perused the material available on record.

At the outset, it is observed that the determination of the nature of injury is a matter of significant legal consequence, particularly in criminal proceedings, and must be based on proper medical examination. The impugned action of keeping the earlier medical certificate in abeyance, without ensuring the presence of the petitioner through proper notice, does not appear to agree with the principles of fair process.

In the circumstances, the petitioner is directed to appear before the Chairman, Special Medical Board, Ghulam Muhammad Mahar Medical College, within seven (07) days from the date of this order. Upon his appearance, the Chairman, Special Medical Board, shall convene the Board by notifying its members and shall fix a date for examination, which shall be communicated to the petitioner through proper notice, duly endorsed on record.

Thereafter, the Special Medical Board shall conduct a fresh medical examination of the petitioner and issue a reasoned opinion/office order regarding the nature of injuries and the legal status of the earlier medical certificate issued by the Medical Officer, Taluka Hospital, Ghotki.

In case of failure of the petitioner to appear before the Board within the stipulated period, the Board shall be at liberty to proceed in accordance with law and pass an appropriate order.

The Special Medical Board shall ensure that proper notice of the date and time of examination is duly served upon the petitioner; however, the petitioner is also directed to remain in contact with the Board to ascertain the schedule of examination. The entire exercise shall be completed within a period of two (02) weeks from the date of appearance of the petitioner.

With these directions, the instant petition, along with the listed application(s), stands disposed of. Order accordingly.

JUDGE

JUDGE