

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

C.P.No.D-797 of 2025

[Asadullah Massan vs. Province of Sindh and 12 others]

Before:

***Mr. Justice Arbab Ali Hakro,
Mr. Justice Abdul Hamid Bhurgri***

Petitioner:	Asadullah son of Nawab Ali Massan Through Mr. Sharjeel Sattar Bhatti, Advocate
Respondents No.1 to 3:	Through Mr. Aftab Nek Muhammad Bhutto, Assistant Advocate General, Sindh.
Respondents No.4 to 11:	Through Mr. Sarfaraz Ali Abbasi, Advocate a/w Respondents No.4 to 10
Respondents No.12 & 13:	Through Mr. Sardar Ali Sangi, D.P.G a/w Inspector Naeem Akhtar Abro, SHO PS Nasirabad
Date of hearing & Decision :	<u>16.10.2025</u>

ARBAB ALI HAKRO, J.: Through this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the Petitioner calls into question the legality and propriety of the findings rendered by a Special Medical Board vide Report/Letter No.3357-62 dated 30.7.2025, constituted by the Directorate General Health Services Sindh, Hyderabad, in respect of injuries allegedly sustained by one Safiullah son of Nawab Ali, brother of the Petitioner, in Crime No.77/2025, registered at Police Station Nasirabad, District Kamber-Shahdadkot.

2. The Petitioner, Asadullah s/o Nawab Ali, alleges that his brother Safiullah sustained firearm injuries in a targeted assault on 20.06.2025. FIR No.77/2025 was registered on 25.06.2025 under Sections 324, 148, 149, and 114 PPC, implicating Muhammad Chuttal @ Rano, Muhammad Ibrahim (respondent No.11), and others. The Medico-Legal Certificate issued by Dr. Subhan Ali Lakho, Medical Officer, RHC Nasirabad, dated 23.06.2025, declared the injuries as firearm wounds. However, upon a complaint by respondent No.11, the Directorate General Health Services Sindh

constituted a Special Medical Board comprising respondents No.4 to 10, which issued its findings vide report No.CMCH/3357-62 dated 30.07.2025. The Board opined that the injuries might have been fabricated or manipulated with a sharp pointed weapon, stating in the remarks column: **“Possibility of fabrication / manipulation with sharp pointed weapon could not be ruled out.”** The Petitioner challenges this opinion as malafide, alleging procedural impropriety and undue influence.

3. Inspector Naeem Akhtar Abro, SHO PS Nasirabad (Respondent No.13), submitted his statement before this Court, stating therein that FIR No.77/2025 was registered and investigated by ASI Ali Gul Brohi. Accused Muhammad Chuttal Sanghro was arrested, while others were on court bail. Upon receipt of the Special Medical Board’s report, the investigation officer recorded statements of neutral witnesses. Based on the medical opinion and witness statements, the investigation was disposed of as **false “B” Class**, and the final report was submitted before the concerned Magistrate. The learned Magistrate, upon consideration, converted the case to **“C” Class**, thereby concluding the matter at the investigative stage.

4. Learned counsel for the Petitioner submits that the Special Medical Board acted under the influence of respondent No.11, failed to summon the injured or the initial examining doctor, and issued a report contrary to the initial findings. He argues that the remarks of the Board are speculative and not conclusive, and that the Petitioner has been denied a fair opportunity to vindicate the injuries sustained by his brother.

5. Learned counsel appearing for respondents No.4 to 11, submitted that the Special Medical Board was duly constituted by the competent authority and comprised seven senior medical professionals from various disciplines. He argued that the Board conducted radiological and clinical examination and rendered its opinion in good faith.

6. Learned Assistant Advocate General adopted the arguments of official respondents and submitted that the Petitioner's grievance pertains to the evidentiary value of medical findings, which cannot be adjudicated in writ jurisdiction. He argued that the Special Medical Board's opinion is expert and

not binding on the Court, and that the Petitioner has an adequate remedy to challenge the investigative outcome before the trial court or through revision.

7. Learned Deputy Prosecutor General supported the stance of the investigating agency and submitted that the FIR was duly investigated, statements of neutral witnesses were recorded and based on the medical opinion and available evidence, the investigation was disposed of as false “B” Class. He further stated that the final report was submitted before the competent Magistrate, who converted the case to “C” Class, thereby concluding the matter at the pre-trial stage.

8. Heard arguments and perused the record. The scope of writ jurisdiction under Article 199 is limited to enforcing fundamental rights and correcting executive excesses. It does not extend to adjudicating disputed facts or substituting expert findings unless shown to be arbitrary, malafide, or procedurally defective. In the present case, the Special Medical Board’s opinion is not definitive but speculative, stating that manipulation “could not be ruled out.” However, the investigation has already been concluded and disposed of as false, and the Magistrate has exercised judicial discretion in converting the case to “C” Class. At this stage, the Petitioner’s grievance pertains not merely to the medical opinion but to the finality of the investigative process and the Magistrate’s classification. This Court cannot re-open or re-evaluate the merits of the investigation or the Magistrate’s order in writ jurisdiction. The appropriate remedy for the Petitioner lies in challenging the “**C**” **Class order** of the learned Magistrate before the competent forum, as provided under the law.

9. In view of the foregoing, we find no justification to interfere with the findings of the Special Medical Board or the investigative process culminating in the Magistrate’s classification. The petition is therefore **dismissed**. The Petitioner is, however, at liberty to challenge the Order of the learned Magistrate converting the case to “C” Class, before the appropriate forum, in accordance with law, if so advised.

JUDGE

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