

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Misc. A. No. S- 277 of 2019

| | |
|-----------------|--------------------------------|
| Date of hearing | Order With Signature Of Judge. |
|-----------------|--------------------------------|

Fresh Case

- 1.For orders on office objection.
- 2.For orders on MA 1886/2019.
- 3.For hearing of main case.

12-04-2019

Mr. Fazal Ahmed Jatoi Advocate for the applicant.
 Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

ORDER

ZAFAR AHMED RAJPUT J., This Crl. Misc. Application is directed against the order dated 25.03.2019, whereby learned Judicial Magistrate-II, Sukkur declining the final report of I.O under ‘B’ Class of police Rules in Crime No.19 of 2019 registered at P.S, Abad under Sections 322, 147 & 506/2 P.P.C, accepted it in ‘C’ Class after considering the fact that the legislation has enacted Sindh Healthcare Commission Act, 2013 (the Act), wherein separate mechanism has been provided to deal with the like matters and only complaint could be filed before the Healthcare Commission established under the law, hence FIR could not be considered as the same had been registered due to mistake of law. In this regard, learned Magistrate has referred to Section 23 of the Act, which provides procedure for investigation in respect of a complaint of any aggrieved person concerning the allegations with regard to maladministration, malpractice, failure on the part of healthcare service provided by any employee of healthcare service.

2. Precisely, the facts of the case, as per aforementioned FIR, were that on 07.01.2019 Mst. Saliha, aunty of the present applicant, went to hospital, namely, Minhal clinic for delivery of a baby, where Dr. Farha Noor Larik

(respondent No.4) attended her. She delivered a baby, however, allegedly due to mishandling of the said doctor, the newly born baby died.

3. Learned counsel for the applicant when confronted with the provisions of Section 23 of the Act, he conceding the fact that after the promulgation of the Act, the remedy is available to the applicant to approach the "Commission", as described under Section 2(vii) of the Act by filing a complaint on solemn affirmation or on an oath, he does not press the instant Crl. Misc. Application, however, states that the applicant shall avail the remedy available to him under the Act, therefore, directions may be given that in case he does so, his grievances shall be redressed by the Commission without any delay in accordance with law.

4. Accordingly, this Crl. Misc. Application is dismissed as not pressed leaving the applicant at liberty to approach the concerned forum for redressal of his grievances if so advised and in case he does so, his grievances shall be redressed strictly in accordance with law without any inordinate delay.

JUDGE