

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No.D-224 of 2026

[*Muhammad Shahid v. Province of Sindh and 10 others*]

Before:

Justice Arbab Ali Hakro

Justice Riazat Ali Sahar

Petitioner by : Abdul Haleem Jamali, Advocate

Respondents by : Nemo

Dates of Hearing : **17.02.2026**

Date of Decision : **17.02.2026**

ORDER

ARBAB ALI HAKRO J:- Through this petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner seeks judicial review of the medico-legal opinion rendered by respondent No.4 and prays for the constitution of a Super Medical Board to re-evaluate the injuries allegedly sustained by his brother, Shaan, son of Qamaruddin. The petitioner further alleges that the provisional and final medico-legal certificates issued on 29.9.2025 and 09.01.2026, respectively, are fabricated, manipulated, and are contrary to the factual substratum of the incident.

2. The petitioner asserts that his brother Shaan, a medical representative, had longstanding financial dealings with private respondents No.8 to 11. Upon demanding repayment of substantial sums allegedly borrowed by them, Shaan was abducted, tortured and left in a critical condition near a railway track. The petition narrates that on 22.9.2025, the petitioner discovered through circulating WhatsApp images that Shaan had been found in a semi-conscious state and shifted to Civil Hospital Hyderabad by the SHO of P.S. Tando Yousuf. It is alleged that the medico-legal process was tainted with mala fide. The provisional certificate dated 29.9.2025 records that the injured was "not aware of anything" and that his clothes were "changed/washed" (as per the document). The final certificate dated 09.01.2026 concludes that the injured "was not under the influence of any intoxicating material at that time." The petitioner contends that these certificates were issued without considering

the true date of occurrence, the nature of injuries or the circumstances in which Shaan was recovered. He further alleges that the blood sample was dispatched to the Chemical Examiner after an unexplained delay of nearly three months. The petitioner claims that, despite orders passed by the learned Sessions Court on an application under sections 22-A & 22-B Cr.P.C., the concerned SHO failed to register an FIR, compelling the petitioner to file contempt proceedings. He now seeks constitutional intervention to set aside the medico-legal opinion and to constitute a Super Medical Board.

3. Learned counsel for the petitioner submits that the medico-legal certificates issued by respondent No.4 are *ex facie* illegal, arbitrary and contrary to the factual matrix. He argues that the delay in sending the blood sample to the Chemical Examiner, coupled with the alleged manipulation of dates, renders the entire medico-legal process unreliable. It is contended that the petitioner has produced call data records, audio threats and other material indicating that Shaan was subjected to abduction and torture, yet the medico-legal officer failed to record injuries commensurate with the alleged ordeal. Counsel submits that the petitioner has no alternative efficacious remedy, as the police have failed to register the FIR despite judicial directions, and that the medico-legal opinion, being the foundational document for criminal investigation, must be scrutinised by this Court. He prays that the impugned certificates be declared void and a Super Medical Board be constituted to ascertain the true nature of injuries.

4. We have heard learned counsel for the petitioner at considerable length and have carefully examined the material available on record.

5. At the outset, it must be reiterated that the constitutional jurisdiction of this Court is supervisory and corrective, not investigative. Article 199 empowers this Court to ensure that public authorities act within the bounds of law, refrain from abuse of discretion and do not violate fundamental rights. However, this jurisdiction is not intended to substitute for the statutory mechanisms designed to resolve factual controversies, particularly those requiring expert determination.

6. The petitioner seeks two principal reliefs: (i) a declaration that the medico-legal certificates are null and void, and (ii) a direction for the

constitution of a Super Medical Board. Both prayers require careful examination of the limits of judicial review.

7. Firstly, whether this Court can declare a medico-legal opinion void under Article 199 of the Constitution. A medico-legal certificate is an expert opinion. Courts have consistently held that expert opinions may be challenged during trial, by cross-examination, or by contrary expert evidence, but they are not ordinarily quashed in constitutional jurisdiction unless shown to be patently without lawful authority or issued in violation of mandatory statutory provisions.

8. The petitioner alleges manipulation of dates and mala fide intent. However, the record before this Court consists only of the certificates themselves and the Chemical Examiner's report. The provisional certificate records the injured person's condition, including that he was "not aware of anything," and the final certificate relies on laboratory findings. Whether these findings are accurate, incomplete, or deliberately distorted is a matter requiring evidentiary determination, which cannot be undertaken in writ jurisdiction.

9. This Court cannot, in exercise of Article 199, embark upon a forensic re-evaluation of injuries, nor can it substitute its own assessment for that of a medical expert.

10. Secondly, whether a Super Medical Board may be constituted through writ jurisdiction. The constitution of a medical board is an administrative function ordinarily exercised by the Health Department or the Police Surgeon's office. Courts have directed the constitution of medical boards in exceptional circumstances, typically where the initial examination is demonstrably deficient, the injured person is still available for examination, or the matter involves ongoing medical consequences.

11. In the present case, the incident occurred in September 2025, and the final certificate was issued in January 2026. The petitioner has not pleaded that Shaan presently bears injuries requiring medical evaluation, nor that any fresh examination would yield meaningful forensic findings. A Super Medical Board cannot retrospectively reconstruct injuries that may have healed, nor can it conclusively determine the circumstances of the alleged torture months after the event. Therefore, directing the constitution of a Super Medical Board at this stage would amount to ordering a futile exercise, which the law does not require.

12. The petitioner has already invoked the statutory remedy under sections 22-A & 22-B Cr.P.C., and the learned Sessions Court has allowed his application. If the SHO has failed to comply, the petitioner's remedy lies in seeking appropriate directions from the same forum. This Court cannot convert its writ jurisdiction into a parallel mechanism for enforcing orders passed by the Sessions Court.

13. While the allegations narrated in the petition are grave and, if true, constitute serious violations of fundamental rights, the constitutional jurisdiction cannot be invoked to resolve disputed questions of fact, determine criminal liability or conduct a parallel investigation. The petitioner retains full liberty to pursue criminal proceedings, civil remedies, and departmental complaints against the concerned officials.

14. For the foregoing reasons, and keeping in view the settled parameters of Article 199, this Court is not persuaded to grant the reliefs sought. The petitioner has not demonstrated that the medico-legal certificates were issued without lawful authority or in violation of any mandatory statutory provision warranting interference in writ jurisdiction. Nor is the constitution of a Super Medical Board feasible or legally justified at this belated stage. Accordingly, this petition is **dismissed** in *limine*, along with the pending application(s), leaving the petitioner at liberty to avail of appropriate remedies before the competent forums.

JUDGE

JUDGE

AHSAN K. ABRO