

**JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
BANNU BENCH
(Judicial Department)**

Cr.R No.69-B/2025

Imran Ullah

Vs

The State, etc.

JUDGMENT

Date of hearing: **20.10.2025**

For petitioner(s): **Mr. Muhammad Ashraf Khan**
Marwat Advocate

MUHAMMAD TARIQ AFRIDI, J.- This criminal revision petition, filed under Section 439 of the Criminal Procedure Code, 1898 ("Cr.P.C."), is directed against the order dated 24.09.2025 passed by the learned Additional Sessions Judge-V, Lakki Marwat, whereby the application of the accused / respondent Ihtesham Ullah, seeking re-examination of his age through another Medical Board to be constituted at KGN Hospital, MTI, Bannu, was allowed.

2. The background of the matter, in brief, is that the accused has been charged in a criminal case registered vide FIR No.24, dated 16.01.2025, under Sections 302, 324, and 34 PPC, at Police Station Lakki City. After his

arrest, the accused was sent up for trial to the Court of Additional Sessions Judge-V, Lakki Marwat, where he claimed to be a juvenile. Consequently, the accused was referred to a Medical Board at DHQ Hospital, Lakki Marwat, which determined his age to be between 20 and 24 years.

3. Subsequently, the accused moved an application before the Trial Court for reconstitution of another Medical Board, contending that the earlier Board had not conducted his ossification test in accordance with law. The application was allowed by the Trial Court vide the impugned order dated 24.09.2025, directing a fresh examination of the accused at Khalifa Gul Nawaz (KGN) Hospital, Bannu. This disgruntled the petitioner / complainant to file the present revision petition.

4. Arguments heard. Record perused.

5. The main thrust of the arguments advanced by learned counsel for the petitioner was that the Juvenile Justice System Act, 2018, does not contain any provision for reconstitution of a Medical Board once a competent Board has determined the age of the accused. It was further argued that the findings of the earlier Medical Board were never challenged by the accused and,

therefore, the reconstitution of another Medical Board was without lawful authority.

6. Undeniably, the determination of the biological and skeletal age of an accused claiming juvenility in a criminal case is a matter of forensic precision and legal consequence. The law does not permit reliance on vague or incomplete medical opinions when the question of juvenility of an accused is at stake. A standard and conclusive ossification report is required to establish the age of the accused with reasonable certainty. Such a report must be prepared by a qualified radiologist and based on radiological analysis of multiple skeletal regions, including the left wrist and hand, left elbow joint, left shoulder joint (including clavicle) and pelvis (including the iliac crest and ischial tuberosity).

7. The purpose of this examination is to assess the degree of epiphyseal fusion, which is the medically accepted indicator for estimating skeletal maturity and, by extension, chronological age. The report must be supported by actual X-ray plates, interpreted by a radiologist, and documented in a proper forensic format, rather than on a printed proforma or general clinical note.

8. In the present case, the report furnished by the

10.

initial Medical Board at DHQ Hospital, Lakki Marwat, was prepared on a printed template and supported only by an X-ray of the right hand wrist. It did not include radiological analysis of other essential skeletal regions, nor did it reflect the degree of epiphyseal fusion in a structured forensic manner. Therefore, the opinion furnished by the said Medical Board cannot be treated as a reliable or legally conclusive ossification report.

9. In this view of the matter, the Trial Court was justified in permitting re-examination through a newly constituted Medical Board. The discretion exercised by the Trial Court was aimed at ensuring procedural fairness and evidentiary completeness, particularly in view of the accused's claim of juvenility.

10. The objection that the Trial Court lacked authority under the Juvenile Justice System Act, 2018 to direct reconstitution of a Medical Board, is not sustainable. Although, the said Act is silent on this specific point, such silence does not preclude the Trial Court from exercising its inherent jurisdiction to rectify procedural deficiencies in the interest of justice. Moreover, a defective report cannot acquire legal sanctity merely because it remained unchallenged. Its evidentiary value

depends upon its procedural integrity and scientific completeness. Where the foundational report fails to meet the recognized forensic standards, it cannot bind the Court to accept it as conclusive evidence.

11. Nevertheless, it cannot be ignored that the Trial Court, while allowing the re-examination, omitted to direct the Medical Board, to be newly constituted, to adhere to the requisite forensic standards. In the absence of such direction, there remains a risk of procedural inadequacy and evidentiary ambiguity. Therefore, while this Court finds no jurisdictional error or material irregularity in the impugned order warranting interference in revisional jurisdiction, it is deemed appropriate to direct that the Medical Board, now to be tasked with re-examining the accused, shall strictly follow the standard forensic protocols for ossification testing, including radiological analysis of all requisite skeletal regions as noted above.

12. Be that as it may, the observations made hereinabove shall not prejudice the Trial Court in its final adjudication. It is expected that the Trial Court shall proceed with the matter independently and in accordance with law, and shall not rely upon any Medical Report that

fails to meet the standard of a conclusive ossification assessment.

13. For the foregoing reasons, this criminal revision petition is found bereft of any merit and is accordingly dismissed in limine.

Announced

20.10.2025

(Ghafoor Zaman)

-Sd-
Judge

SCANNED

24 OCT 2025

Khalid Khan

24/10/2025