

**JUDGMENT SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**(JUDICIAL DEPARTMENT)**

**W.P No.644 of 2020**

Syed Jaffar Hussain Shah  
*Versus*  
Additional District Magistrate, ICT & others

Petitioners by: Syed Najjaf Sabzwari, Advocate.  
State by: Mr. Zohaib Hassan Gondal, State counsel  
alongwith Hanif A.S.I.  
Date of Hearing: 07.07.2020

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**Ghulam Azam Qambrani, J:** Through this petition, the petitioner has invoked the jurisdiction of this Court filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, with the following prayer;-

*"In the above mentioned circumstances, it is therefore, respectfully prayed that the instant writ petition may kindly be allowed and the order dated 12.06.2019 passed by the learned respondent No.1 may kindly be set aside and while allowing the application dated 02.05.2019 moved by the petitioner, a direction for constitution of Medical Board may kindly be issued in the interest of justice."*

2. Brief facts as per contents of the petition are that the petitioner is an accused of FIR No.118 dated 29.03.2019, under Section 324/34 & 337 F(ii) P.P.C, registered at the instance of Musarrat Bibi, respondent No.2, at Police Station Bhara Kahu, Islamabad. It is stated that the petitioner moved an application before the Additional District Magistrate, ICT, Islamabad, for constitution of a Medical Board on

02.05.2019, which was rejected vide order dated 12.06.2019, hence this petition.

3. Learned counsel for the petitioner submits that respondent No.2 got lodged a false and frivolous case against the petitioner in connivance with the medical staff of Poly Clinic Hospital, Islamabad, and she also got a fake MLC bearing No.612 on 29.03.2019. Further submits that fair trial is a fundamental right of every citizen and lastly prayed for constitution of a medical board for the purpose of re-examination of the alleged victim.

4. On the other hand, learned State Counsel supported the order passed by respondent No.1 and submitted that the FIR was lodged on the same day when the alleged occurrence took-place; that there is no inordinate delay in reporting the matter to the local police and lastly prayed for dismissal of the instant petition.

5. Arguments heard, record perused.

6. Perusal of the record reveals that the alleged incident took-place on 29.03.2019 at 12:45 a.m., the medical examination of the injured was conducted at 01:25 a.m. and the FIR was lodged on the same day at 3:45 pm. All these factors show that there is no malafide on the part of respondent No.2 in obtaining a fake MLC and lodging the instant F.I.R. All these factual controversies can be resolved by the learned trial Court after recording evidence of both the parties, which practice cannot be done by this Court in exercise of its constitutional jurisdiction.

7. In view of what has been discussed above, learned counsel for the petitioner has failed to point out any illegality in the impugned order calling for interference by this Court and also failed to advance any tangible ground for constitution of a Medical Board. Resultantly, the instant petition being devoid of any force, is hereby **dismissed**.

~~Ghulam Azam Qambrani~~  
Judge ✓

Announced in Open Court, on this 8<sup>th</sup> day of July, 2020.

~~Judge~~

Rana M. Iqbal