

Sr. No.147

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.M-43187 of 2018
Decided on: 01.10.2018

Manpreet Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. V.K. Sandhir, Advocate
for the petitioner.

Rajbir Sehrawat, J. (Oral)

The petitioner is seeking a direction for constitution of Medical Board of the doctors of PGIMER, Chandigarh, to conduct the medical examination of the petitioner with regard to the injury No.1, allegedly suffered by the petitioner, as mentioned in the MLR No.SHC/.FM/MLR/.84/17 dated 12.07.2018, in view of the conflicting opinions of the doctors as given in the CT Scan report and the subsequent opinions.

It is contended by the counsel that in the first instance injury No.1 was described to be grievous injury since this CT Scan report had spelled out fracture of squamous part of left temporal bone. Thereafter, the opinion was changed by the doctor and it was written as simple injury. Still further, the petitioner had applied before the Magistrate for constitution of the Medical Board; to give opinion regarding nature of the abovesaid injury. Accordingly, Judicial Magistrate, Ist Class, Amritsar constituted a Medical Board vide his order dated 31.07.2018. However, even the Medical Board so constituted, as per the order of the Judicial Magistrate Ist Class, Amritsar, has opined the abovesaid injury to be only simple in nature and that has been done

by the Board, even without physically examining the petitioner. Resultantly, it is prayed that a Medical Board of doctors of PGIMER, Chandigarh be constituted to medically examine the petitioner and to give the opinion; regarding injury No.1 as mentioned in the abovesaid MLR.

Having heard the learned counsel for the petitioner and perusing the record, this Court does not find any substance in the argument of the learned counsel for the petitioner. The Court of the Judicial Magistrate had already constituted a Board on the request of the petitioner-injured. The report of the Board of the doctors shows that it had called all the records pertaining to the said injury; including the CT Scan report and the film thereof. After examining the entire record and opinions available on the file, the Board of Doctors had concurred with the view that the injury, which is sought to be reassessed by the petitioner, is a simple injury. Once the Board of specialist doctors has expressed its opinion, it would not be appropriate for this Court to keep the matter open to re-examination; just because the petitioner does not feel satisfied with the report of the Board of Doctors. Otherwise also, there is nothing on record to suggest the view contrary to the one taken by the Board of Doctors. Even if another view is possible then the view taken by the specialist doctors have to prevail.

In view of the above, finding no merit in the present petition, the same is dismissed.

01 October, 2018

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[RAJBIR SEHRAWAT]

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>