

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

116

CRM-M-41944 of 2019

Date of decision:4.12.2019

Abdul Shahid

... Petitioner

versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.R.S.Rai,Sr.Advocate, with
Mr.Gautam Dutt, Advocate,
for the petitioner
Mr.Navdeep Singh, AAG, Haryana
...

AMOL RATTAN SINGH, J. (Oral)

Pursuant to the order dated 31.10.2019 (as has also been recorded in the order dated 2.12.2019), four envelopes are on record, seen to have been sent to the Registrar of this Court, three of them being from the Superintendent, M.S.Office (Nursing Cell), PGIMER, Chandigarh, and the fourth simply stating that it has come from the said institution.

The said envelopes having been opened in Court today, the first contains a report of the Medical Board directed to be constituted, shown to be signed by a Board of 8 Doctors, two from the Department of Urology, one from the Department of Radio Diagnosis, one from the Department of Forensic Medicine, one from the Department of Psychiatry, one from the Department of Neurology, one being the Senior Medical Officer, Staff Clinic, and the senior most amongst them seen to be from the Department of Endocrinology.

As per the said report, a meeting of the medical board was held first on 13.11.2019 and thereafter 'consecutively on 25.11.2019 at 3.00 pm in the Committee Room, M.S. Office'.

Eventually, it is stated that in the left knee of the petitioner, the following was found:-

“Mild joint effusion, complex tear is seen in posterior horn of medial meniscus, reaching upto inferior articular surface, mild thinning and irregularity seen in medial femoral condylar cartilage which is suggestive of degenerative changes.”

On his right knee, the following was found:-

Grade-2 signal is seen in posterior horn of medial meniscus, suggestive of degenerative changes.”

As regards the Ultrasound KUB/Prostate, it was found that there was a single cortical cyst in his left kidney and mild prostate enlargement. His post micturition volume was 15 cc., with uroflowmetry being within the normal range.

As regards 'the Pipe Test', it was found to be as follows:-

“Showed normal peak systolic velocity and end diastolic velocity, suggestive of normal study for penile Doppler. No vasculogenic cause of erectile dysfunction found. Erection of the penis lasted for more than 15 mins.”

Eventually, the opinion of the Board was as follows:-

“Based on the above details and observations, the Medical Board is of the opinion that the petitioner Abdul Shahid has no features suggestive of any trauma or obvious major injuries at

present. His hormonal profile and Doppler study of the penis indicates that there is nothing to suggest that he cannot perform sexual intercourse. The board is of further opinion that the duration of his left knee joint effusion and degenerative changes in both knees and spine cannot be estimated.”

The said opinion (with a covering letter dated 30.11.2019) is ordered to be taken on record as Mark 'A' with the petition.

Two of the other envelopes are seen to contain the orders dated 5.11.2019 and 7.11.2019 passed by the Director and the Medical Superintendent, PGIMER, Chandigarh, respectively, with the third one containing the communication from the Superintendent (M), Nursing Cell, MS Office, PGIMER, Chandigarh, to the person, Incharge of the Special Investigation Team, requesting that the petitioner, Abdul Shahid, should appear before the Medical Board on 25.11.2019 at 3.00 pm.

They are not considered necessary to be taken on record and are simply directed to be attached with the case file.

A copy of the report of the learned Board of Doctors constituted in the PGIMER, Chandigarh, be given to all learned counsel, i.e. for the petitioner, for the complainant (appearing in the accompanying petition, i.e. CRM-M-48576 of 2019), as also the State counsel.

This petition had been filed seeking quashing of the orders dated 20.8.2019 and 28.8.2019 passed by learned JMIC, Faridabad, by both of which the request made on behalf of the petitioner-accused for medical examination/re-examination was declined by that Court.

This Court having accepted the prayer in the petition, for such

re-examination and the medical examination having been conducted as above by a Board of Doctors in the PGIMER, Chandigarh, it has been rendered infructuous and is disposed of as such.

CRM-M-41944
4.12.2019
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No