



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF. 8-2129/2022-DC/PMC

Mr. Ali Jan Qureshi Vs. Dr. Kelash Kumar

Professor Dr. Naqib Ullah Achakzai	Chairman
Mr. Jawad Amin Khan	Member
Barrister Ch. Sultan Mansoor	Secretary
Expert of Forensic Medicines	

Present:

Mr. Ali Jan Qureshi	Complainant (through zoom)
Dr. Kelash Kumar (40045-S)	Respondent
Hearing dated	26.10.2022

I. FACTUAL BACKGROUND

1. The complaint of Mr. Ali Jan Qureshi (the “Complainant”) was forwarded by the Ministry of National Health Services, Regulations & Coordination on 26.05.2022 against Dr. Kelash Kumar (the “Respondent”). Brief facts of the complaint are that:
 - a. *Complainant’s father, Mr. Khan Muhammad Qureshi (the “deceased”) was found dead on 27.09.2020 under mysterious circumstances with signs of unnatural injuries. The deceased was brought to Ghulam Muhammad Mahar Medical College, Sukkur (the “Hospital”) where the post-mortem of the deceased was performed by the Respondent on 27.09.2020.*

- b. Respondent's Interim Post-Mortem Report mentioned that organ samples have been preserved for Histopathological and Pathological examinations. Further, that the final opinion will be reserved till reports of the Histopathological and Toxicological are received from the concerned laboratories.
- c. On 02.11.2020, Final Post Mortem Report was issued, after a lapse of 34 days and it was stated therein that based on Interim opinions and Reports of Toxicology and Histopathology, the cause of death has been ascertained.
- d. On 12.11.2020, Respondent issued another letter regarding the post mortem of the deceased stating therein that due to bona fide mistake, injury no. 1 was missed and clarified that injury No. 1 was not the cause of death in ordinary course, caused by hard and blunt object.
- e. The Respondent has produced self-contradictory reports regarding the post-mortem of the Complainant's father/the deceased. Respondent issued final post-mortem report containing discrepancies and incompatible with the medical record and evidence.
- f. The complainant further submitted that that negligence and misconduct of the Respondent has led to the hampering of the legal investigations and procedure to be followed, dependent on the Respondent's produced reports.

II. SHOW CAUSE NOTICE TO RESPONDENT, DR. KELASH KUMAR

2. In view of the allegations leveled in the Complaint, Show Cause Notice dated 02.06.2022 was issued to Respondent, in the following terms:

“... ”

4. **WHEREAS**, in terms of Complaint, it has been alleged that the Complainant's father, Khan Muhammad Qureshi (the “deceased”) was found dead on 27.09.2020 under mysterious circumstances with signs of unnatural injuries. The deceased was brought to Ghulam Muhammad Mahar Medical College (hereinafter referred to as “GMMMMC”) Sukkur, where you conducted the post-mortem of the deceased on 27.09.2020; and
5. **WHEREAS**, in terms of Complaint, after conducting post-mortem of the deceased, you issued provisional ‘Post Mortem Report’ dated 28.09.2020 in which you inter Alia mentioned the following findings:
“... a lacerated wound at the parietal region of scalp measuring $\frac{1}{2} \times \frac{3}{4} \times 7$ centimeters. On dissecting scalp, blood clots are detected. Under scalp at site of injury, an opening skull cavity, Brain matter is taken out and preserved in formalin solution for Histopathological and Pathological Examinations.”



You further mentioned in the provisional post mortem report dated 28.09.2020 that "... final opinion will be reserved till reports of Histopathological and Toxicological received from concerned laboratories." and

6. **WHEREAS**, you issued Final Post Mortem Report of the deceased bearing No. 885 dated 02.11.2020, after a lapse of 34 days, with remarks as "Opinion from facts which was mentioned in Provisional Post Mortem report, Toxicological & Histopathological. I am of the opinion that cause of death of above-named deceased is ascertained; and
7. **WHEREAS**, in terms of Complaint and record attached therewith, you later on issued letter No. 885 dated 12.11.2020 regarding Final Post Mortem Report of the father of the Complainant wherein you mentioned that "After receiving report of deceased from concerned laboratories then final report was issued on 02.11.2020 in which cause of death cannot be ascertained / un-determined. But due to my bona-fide mistake injury was missed regarding opinion. Injury 1 which is mentioned in provisional postmortem report for which CT scan brain was also done, which show no any bone fracture and intracranial hemorrhage. The injury was not sufficient to cause death in ordinary course of nature, injury caused by hard and blunt object"
8. **WHEREAS**, in terms of the Complaint and reports attached therewith it appears that you failed to give findings as to head injury and cause of death in Final Post Mortem Report dated 02.11.2020 despite the conclusion reached by you that the "cause of death was ascertained". Further, the Final Post Mortem report was modified in entirety vide letter dated 12.11.2020 with the findings that "cause of death cannot be ascertained/ un-determined. Both, the Final Post Mortem Report dated 02.11.2020 and letter dated 12.11.2020 are contradictory with each other; and
9. **WHEREAS**, in terms of the facts mentioned above, a modified report vide letter dated 12.11.2020 regarding death of the father of the complainant has been issued with huge discrepancies without support of medical record and evidence, which led to inconclusive determination of the cause of death of deceased, also hurdling the ancillary legal investigation & procedures. Such conduct is, prima facie, violation of the Code of Ethics of Practice for Medical and Dental Practitioners' Regulations 2011, in general and Regulations 3(g), 11(b), 32, 49(a) and 50, in particular. ..."

III. REPLY TO SHOW CAUSE NOTICE BY RESPONDENT DR. KELASH KUMAR



3. Respondent, Dr. Kelash Kumar submitted his reply to Show Cause Notice on 30.06.2022, wherein he stated that:

- a. *Dead body of patient was brought to the GMMMC Hospital, Sukkur for postmortem. At the time of postmortem there was only one external head injury on deceased 'lacerated wound at left parietal region of scalp measuring 7x3/4x1/2 cm' and the reason for conduct of post-mortem.*
- b. *Samples of multiple viscera were collected for Histopathological and Toxicological examinations and report in order to reach conclusion of cause of death of deceased. External examination of injury is already mentioned whereas internal examination of injury revealed blood clots under scalp. Brain matter was taken, preserved for Histopathological examination from pathological laboratory.*
- c. *Cause of death of deceased could not be ascertained but due to typographical mistake, it was written as 'ascertained'. I also conveyed this information to my superiors on 02.11.2020, indicating no mala-fide on my part. It is clarified that death cannot be caused by the injury mentioned in the Report and this fact was stated in my clarification.*
- d. *I have neither modified my reports as the Final Postmortem report is the continuation of the Interim report. Further, I have clarified this in my Chief Examination before the Honorable Additional Sessions Judge, Sukkur.*
- e. *The Complainant has fraudulently dragged me in his present Complaint. He had earlier approached the Director General Health Services, Sindh for constituting Special Medical Board to examine reports issued by me but the said application was refused. Complainant then approached the Sessions Court of Sukkur where the application of the Complainant was refused. Complainant then approached Sindh High Court, Sukkur Bench where I submitted my reply but the application was withdrawn by Complainant.*
- f. *Present complaint is only filed in revenge, that I did not issue post-mortem to the wishes of the Complainant. Therefore, it is prayed that the present complaint be dismissed as the Complainant has ulterior motives and acquit me from all the allegations.*

IV. REJOINDER OF THE COMPLAINANT

4. Reply received from the Respondent doctor was forwarded to Complainant through a letter dated 19.07.2022 for his rejoinder.





5. The Complainant has submitted rejoinder on 10.08.2022 wherein he has refuted the reply of the Respondent. Complainant has reiterated his request that strict action be taken against Respondent in view of his gross negligence.

V. HEARING

6. After completion of pleadings the matter was fixed for hearing before the Disciplinary Committee on 26.10.2022. Notices dated 24.10.2022 were issued to the Complainant and respondent Dr. Kelash Kumar directing them to appear before the Disciplinary Committee on 26.10.2022.
7. On the date of hearing, the Complainant appeared through zoom (online) whereas the respondent Dr. Kelash Kumar was present in person.
8. The Disciplinary Committee asked the Complainant to briefly state his grievance to which he stated that the respondent doctor conducted Post Mortem Examination of his father but the Respondent malafidely has not given cause of death in the reports (opinions) issued by him.
9. The disciplinary Committee asked the respondent doctor was asked as to why he has issued three reports one after the other to which he submitted that he had informed the same to the higher authorities it was a typo mistake which he corrected. The Committee further asked the respondent that why he has not declared the cause of death of the deceased to which he stated that he could not ascertain it. The Committee asked the Respondent whether any CT scan of the patient is available to which he stated that he doesn't have CT scan report.

VI. EXPERT OPINION

10. An expert of forensic medicines was appointed to assist the Disciplinary Committee in this matter. The Expert after perusing record and hearing the parties' submissions opined as under:

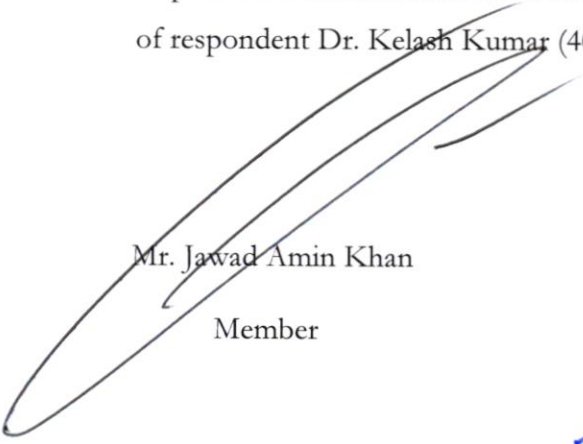
“After listening Dr. Kelash Kumar following shortcomings were found.


1. *Lacerated wound on head with bleeding no one can access the amount of blood lost. Dr. says 50-60 CC blood loss.*
2. *No other injury on body found.*
3. *Forensic lab reports are negative.*


*High probability of death is:
Lacerated wound produced by blunt weapon leading to Hematoma intera cranially.”*

VII. FINDINGS AND CONCLUSION

11. The Disciplinary Committee after perusal of the relevant record, submissions of the parties and the expert opinion in the instant complaint has observed that the respondent doctor could not satisfy the Committee regarding reports issued by him and he even did not produce the relevant record and CT Scan report before the Committee, which shows that he was willfully trying to conceal the facts.
12. Keeping in view the record, submissions of parties and the expert opinion the Disciplinary Committee decides to impose a Fine of Rs. 10,00,000/- (Rupees One Million) upon the respondent Dr. Kelash Kumar. The Committee further decides to permanently cancel the license of respondent Dr. Kelash Kumar (40045-S) Disposed of accordingly.


Mr. Jawad Amin Khan
Member


Barrister Ch. Sultan Mansoor
Secretary


Professor Dr. Naqib Ullah Achakzai
Chairman

22nd November, 2022

