

PUBLIC RECORD

Dates: 29/07/2024 - 12/08/2024

Medical Practitioner's name: Dr Aamir MUJTABA

GMC reference number: 7623100

Primary medical qualification: MB BS 2017 King Edward Medical University

Type of case	Outcome on facts	Outcome on impairment
New - Misconduct	No facts found proved	No impairment

Summary of outcome

Case concluded

Tribunal:

Legally Qualified Chair	Ms Chitra Karve
Lay Tribunal Member:	Mr Darren Shenton
Medical Tribunal Member:	Dr Matthew O'Meara

Tribunal Clerk:	Miss Racheal Gill
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Attendance and Representation:

Medical Practitioner:	Present, represented
Medical Practitioner's Representative:	Mr Josh Normanton, Counsel
GMC Representative:	Ms Georgina Goring, Counsel

Attendance of Press / Public

In accordance with Rule 41 of the General Medical Council (Fitness to Practise) Rules 2004 the hearing was held partly in public and partly in private.

Overarching Objective

Throughout the decision making process the tribunal has borne in mind the statutory overarching objective as set out in s1 Medical Act 1983 (the 1983 Act) to protect, promote and maintain the health, safety and well-being of the public, to promote and maintain public confidence in the medical profession, and to promote and maintain proper professional standards and conduct for members of that profession.

Determination on Facts - 12/08/2024

1. This determination will be handed down in private. However, as this case concerns Dr Mujtaba's misconduct, a redacted version will be published at the conclusion of the hearing.

Background

2. Dr Mujtaba qualified in 2017 with an MBBS at King Edward Medical University, Pakistan. He came to England in 2020 and his current role is as a CT3 doctor in Psychiatry.

3. The allegation that has led to Dr Mujtaba's hearing concern XXX, Person A. XXX.

4. It is alleged that XXX, Dr Mujtaba physically and emotionally abused Person A by physically assaulting [them] on three occasions and made a series of emotionally abusive comments to [them]. Taken together, it is alleged that in doing so, he pursued a course of conduct which amounted to controlling or coercive behaviour.

5. XXX.

6. Person A reported Mujtaba's alleged assaults to the police on 26 July 2022. On 1 September 2022, Dr Mujtaba was interviewed under caution by the Police following which he referred himself to the GMC on 4 September 2022. He was not subject to any criminal proceedings following consideration of the case by the Crown Prosecution Service.

The Outcome of Applications Made during the Facts Stage

7. On day one of the hearing, the Tribunal granted the GMC's application, made pursuant to Rule 35(4) of the General Medical Council (Fitness to Practise Rules) 2004 as amended ('the Rules'). This application was that two witnesses are anonymised as Mr B and

Mr C XXX. The application was not opposed by Mr Normanton, Counsel on behalf of Dr Mujtaba.

8. The Tribunal granted the GMC's additional application made pursuant to Rule 41 of the Rules to redact the specifics of Dr Mujtaba's XXX and for it be referred to as his XXX'. Mr Normanton did not oppose this application. This would allow for much of the hearing to be heard in public.

9. On day four of the hearing, the Tribunal granted Mr Normanton's application, made pursuant to Rule 17(2)(g) of the Rules, in relation to paragraph 1(c)(i)(4) of the Allegation. He submitted that there was not sufficient evidence to prove the allegation. The application was not opposed by the GMC. The Tribunal, having taken legal advice from the LQC in relation to applications on sufficiency of evidence, determined that there was insufficient evidence to sustain the allegation. That part of the Allegation was duly withdrawn.

The Allegation and the Doctor's Response

10. The Allegation made against Dr Mujtaba is as follows:

That being registered under the Medical Act 1983 (as amended):

1. Between around XXX 2022, XXX:
 - a. in or around XXX 2022:
 - i. you abused Person A physically, in that you:
 1. slapped Person A across [their] cheek with your hand; **to be determined**
 2. pushed the XXX door against Person A with your body when [they] attempted to close it; **to be determined**
 3. grabbed Person A by [their] arms; **to be determined**
 - ii. a few days after the incident described at paragraph 1.a.i, you abused Person A emotionally, in that XXX, you said 'you're useless and you're stupid', or words to that effect; **to be determined**
 - b. on an occasion in or around XXX 2022 you abused Person A physically, in that:
 - i. you grabbed Person A by [their] arm; **to be determined**

- ii. you forcefully pushed Person A XXX; **to be determined**
 - iii. XXX you said to Person A whilst still holding [their] arm, ‘you stay here’, or words to that effect; **to be determined**
- c. on an occasion on or around XXX 2022:
- i. you abused Person A physically, in that:
 - 1. on one or more occasion, you held Person A’s arms tightly and shook [them] in an aggressive manner, whilst telling [them] that [they] had to listen to you right now, or words to that effect; **to be determined**
 - 2. you pulled Person A onto [their] back with [their] arm; **to be determined**
 - 3. you slapped Person A across [their] face with your hand; **to be determined**
 - 4. ~~you threw your phone towards Person A, XXX;~~ **Withdrawn following successful 17(2)(g) application**
 - ii. you abused Person A emotionally, in that:
 - 1. after you had slapped Person A’s face as described at paragraph 1c3, you said to [them] in an aggressive manner, ‘you always do this’, or words to that effect; **to be determined**
 - 2. XXX **to be determined**
- d. on one or more occasion you attempted to dissuade Person A from reporting your behaviour as described at paragraph(s) 1a-c, in that you:
- i. told Person A that if [they] were ever to mention anything to the police, they would not believe [them]; **to be determined**
 - ii. XXX; **to be determined**
or words to that effect.
2. Your conduct as described at paragraph 1 amounted to controlling and/or coercive behaviour, in that you repeatedly or continuously engaged in behaviour towards Person A that was controlling and/or coercive, had a serious effect on Person A, and you knew or ought to have known would have a serious effect on Person A. **to be determined**

Witness Evidence

11. The Tribunal received oral evidence and written statements on behalf of the GMC from the following witnesses:

- Person A, complainant XXX, in person. Together with GMC witness statements, dated 18 July 2023 and supplemental witness statement 15 February 2024.
- Mr B, XXX, in person. Together with witness statement, dated 9 February 2024.
- Mr C, XXX, in person. Together with XXX translation of witness statement, dated 27 March 2024. (Ms D acted as Mr C's XXX interpreter).

12. Dr Mujtaba provided his own witness statement, dated 15 April 2024 and also gave oral evidence at the hearing. In addition, the Tribunal received evidence from the following witness on Dr Mujtaba's behalf:

- Dr E, XXX, in person. Together with a witness statement, dated 15 April 2024. (Ms F acted as Dr E's XXX interpreter).

13. The Tribunal also received evidence on behalf of Dr Mujtaba in the form of witness statements from the following witnesses who were not called to give oral evidence:

- Mr G, XXX, dated 14 April 2024.

Documentary Evidence

14. The Tribunal had regard to the documentary evidence provided by the parties. This evidence included but was not limited to:

- Transcript of a recording of a conversation between Person A and Dr Mujtaba, dated XXX 2022 and between Mr C and Dr Mujtaba (XXX), dated XXX 2022.
- Note made by a GP receptionist on morning XXX 2022 following Person A's attendance.
- Police statements from Person A and Dr Mujtaba, various dates in 2022, Police summary and report to CPS for charging decision, dated 2 September 2022.
- Email correspondence between the Police and Person A, various dates 2022-2023.
- XXX.

The Tribunal's Approach

15. In reaching its decision on facts, the Tribunal has borne in mind that the burden of proof rests on the GMC and it is for the GMC to prove the Allegation. Dr Mujtaba does not need to prove anything. The standard of proof is that applicable to civil proceedings, namely the balance of probabilities, i.e., whether it is more likely than not that the events occurred.

16. The Tribunal also took into account the legal advice provided by the Legally Qualified Chair (LQC) on assessing evidence both documentary and oral, in particular focusing on the MPTS Guidance following the case of *R. (on the application of Dutta) v The General Medical Council* [2020] EWHC 1974 (Admin). The LQC also gave advice on how to approach inconsistencies in evidence following the case of *Srinivasan v General Medical Council* [2022] EWHC 1606 (Admin). In summary, the guidance in relation to the case of *Dutta* was that the Tribunal should base factual findings on inferences drawn from documentary evidence and known or probable facts and use oral evidence to scrutinise any documentary evidence and to consider the witness's personality and motivation. Tribunals should not assess a witness's credibility exclusively on their demeanour.

17. In the case of *Srinivasan*, also in summary, the LQC reminded the Tribunal that just because there are inconsistencies does not mean that the evidence of the witness is not credible. What is essential is that the Tribunal considers any inconsistencies and come to an explained conclusion in relation to them if they are relevant to their decision.

18. No definition was provided by parties of 'coercive and controlling behaviour'. The Tribunal applied the term 'coercive and controlling behaviour' in a reasonable and common-sense way.

19. The Tribunal also took into account of the good character direction provided by the LQC in relation to Dr Mujtaba.

The Tribunal's Analysis of the Evidence and Findings

20. The Tribunal has considered each outstanding paragraph of the Allegation separately and has evaluated the evidence in order to make its findings on the facts. However, where there were subparagraphs within separate allegations based on one incident, the Tribunal found it necessary to consider the whole incident in context.

21. The Tribunal provides some further general context before looking at each allegation and made findings in relation to this general context where there are differences between Person A and Dr Mujtaba and where it is relevant.

22. The Tribunal noted that the Allegation concerned alleged acts of physical and emotional abuse perpetrated against Person A XXX. Dr Mujtaba denied all allegations of physical or emotional abuse. The key evidence before the Tribunal therefore was that from Person A and Dr Mujtaba. It was one person's word against another and there were no other witnesses to any of the events alleged. It was inevitable therefore, that the credibility and reliability of each witness with respect to each separate part of the Allegation, would have to be considered. The Tribunal was careful however not to make findings on the overall credibility or reliability of any one witness.

23. The Tribunal also noted that in addition to Dr Mujtaba and Person A, the witnesses who provided evidence represented strong interests in respect of the XXX that they gave evidence for. The Tribunal considered that although these witnesses believed their evidence to be true, they had not witnessed the incidents that gave rise to the allegations. As such the Tribunal considered their evidence with caution and attached the appropriate weight to it, as far as it was relevant.

24. A summary of Person A's evidence was that XXX. [Person A] also described that Dr Mujtaba was quite stressed out because he was working long hours and XXX. [Person A] believed that those factors contributed to Dr Mujtaba feeling agitated and angry.

25. Person A said XXX. {Person A} described the actions of Dr Mujtaba as controlling XXX.

26. Dr Mujtaba's evidence was that XXXX. He said he never physically or emotionally abused [Person A] and disputed that he was always agitated and angry. He said he was busy with work and training during this time and that he is quite a calm person. To the contrary, he said it was Person A who was XXX and the one who engaged in controlling behaviour of him.

27. XXX

28. XXX

29. XXX

30. XXX

31. XXX

XXX 2022

32. The Tribunal considered whether they could consider paragraphs 1a(i)(1), (2) and (3) of the Allegation individually, but as it was part of the same incident it was difficult to do so. However, the Tribunal did consider each part carefully.

Paragraphs 1a(i)(1), 1a(i)(2) and 1a(i)(3) - not proved

33. The Tribunal considered the entirety of paragraphs 1a(i) of the allegation as a single incident, which alleged that XXX, in or around XXX 2022, Dr Mujtaba abused Person A physically, in that he:

- slapped Person A across [their] cheek with his hand;
- pushed the XXX door against Person A with his body when [they] attempted to close it; and
- grabbed Person A by [their] arms.

34. Dr Mujtaba denied this allegation or that any incident occurred on or around XXX 2022 and disputed Person A's evidence.

35. The Tribunal took account of Person A's GMC witness statement:

"He came over to where I was standing, next to XXX, and slapped me across the face. I recall that he slapped me on my left cheek...

I do not recall what was said before he did this.

I remember being in shock – he had never done this before, and although he walked in angry, I had not expected him to slap me. I remember asking him, straight after he had slapped me, why he did this.

I recall he gave me no reason why he did it; he just started apologising. I don't recall exactly what he said, but it was along the lines of 'I am sorry, I didn't mean that'. I asked him again why he slapped me, but he didn't give me any reason.

I was so shocked at what he had done and tried to take myself away from the situation. Dr Mujtaba followed me, however, to the XXX. I remember that when I tried to close the XXX door, he blocked the door with his body, pushing it open against me so that the door wouldn't close and I assume, so I couldn't lock it, and asked me to talk to him.

As he is stronger than I am, he did end up managing to open the door and grabbed me by the upper arms and said we needed to talk this out. I don't think I said anything in response, I was still in shock and crying.

I think the situation ended up dissolving, but I do not recall the details"

36. In [the] police statement, dated 22 August 2022, Person A said that:

“[Dr Mujtaba] seemed stressed out after speaking on the phone XXX and came to speak with me XXX. I cannot remember what we spoke about however I remember [Dr Mujtaba] slapping me across the face with his right hand, this felt hard. This did not leave any injuries. I asked [Dr Mujtaba] why he slapped me, he immediately started apologising to me. I then tried to separate myself from him by leaving XXX, however he followed me. I explained to Dr Mujtaba I needed space and tried to get into the XXX. [He] blocked the door and wouldn’t let me close the XXX door. [He] grabbed me by both arms and stated let’s talk about it...”

37. Person A said in oral evidence *“he slapped me across the face, don’t recall why it was, that’s why it confused me...”*. Person A stated that despite this incident coming out of the blue, with no precursor discussion or argument, [Person A] did not tell anybody about it occurring at the time.

38. The Tribunal noted that this incident was alleged to have occurred XXX 2022, but Person A did not provide any specific date, in either the note made by the GP reception staff, [the] police statement or [the] GMC witness statements. The Tribunal considered that there was not a significant lapse of time since the alleged incident until [Person A] reported it to the police for the first time in July 2022 and was concerned that there was no indication even for an approximation of the date of this incident. XXX

39. The Tribunal considered in some detail the transcript of the conversation between Person A and Dr Mujtaba, relied on by the GMC as providing evidence of Dr Mujtaba admitting the alleged behaviours and which [Person A] recorded without Dr Mujtaba’s consent or knowledge. This transcript was of a conversation on XXX 2022, following a third alleged incident between the two of them the day before. In this conversation Person A continually asked Dr Mujtaba why he had struck [them] three times. [Person A] interchangeably uses the words ‘hit, smack and slap’ during this conversation.

40. Person A told the Tribunal that [they] had decided, of [their] own volition to record the conversation for [their] safety XXX.

41. The Tribunal found that Person A deliberately set out in this conversation to elicit admissions from Dr Mujtaba to slapping XXX (as in the Allegation) as well as the one Allegation of bruising. This motivation made for a very unnatural conversation, loaded with questions with the aim to elicit a confession from Dr Mujtaba. Despite Person A stating to the Tribunal that XXX, [they] attempted to engage him in a combative and provoking exchange

from the outset of the recording, asking repeated questions to three incidents of slapping. [Person A] refers to three ‘slaps’ (slaps, hits, or smack). However, the Allegation only refers to two incidents of ‘slapping’, one in XXX and another in XXX. The Tribunal noted that Dr Mujtaba did not deny the allegations in the transcript nor was there a bespoke apology, nor in the view of the Tribunal, did he accept that he had assaulted [Person A] as alleged.

42. The Tribunal considered that the transcript of the conversation recorded by Person A lacked specificity that could enable the Tribunal to rely on this evidence to corroborate that the XXX incident occurred.

43. In [their] oral evidence, Person A stated that at some point during the recorded conversation with Dr Mujtaba, he knew he was being recorded. However, the Tribunal had no evidence to support that Dr Mujtaba knew he was being recorded. It considered that in the transcript, Dr Mujtaba’s language was consistent, and the apparent tone of his voice (as rendered through the transcript) did not change and was not consistent with the reactions of someone who knew they were being recorded.

44. In relation to what might appear to be admissions (or at least not outright denials) of any of his behaviours during the conversation, the Tribunal noted the evidence of Dr Mujtaba. In his evidence he stated, about the XXX 2022 incidents *“I can categorically say that at no point did I...These things simply did not happen.”* Furthermore, he explained in his witness statement and in oral evidence that on the morning of XXX 2022 Person A was still verbally aggressive and was shouting XXX. He went on to tell the Tribunal that he had no reason for denying what had happened, XXX.

45. XXX

46. The Tribunal was not persuaded by Dr Mujtaba’s further evidence that it was part of his culture, that during a heated dispute where one was being accused of something in order to calm things down the accused person might *“sarcastically accept”* what they had done in order to stop the argument. However, it accepted that Dr Mujtaba was XXX, resulting in no denial appearing in the transcript. The first time he denied any of the alleged behaviours was in his interview to the Police, 1 September 2022, in which he categorically denied ever assaulting [Person A].

47. The Tribunal also considered the police statement of Dr Mujtaba following his police interview on 1 September 2022, where he does make a clear denial. This statement is focused on the third incident on XXX 2022, however, begins with a denial of ever assaulting

Person A. The Tribunal noted that the position of Dr Mujtaba at this hearing was consistent with the response he gave to the Police in September 2022.

48. The transcript of a conversation between Mr C and Dr Mujtaba, which lasted for approximately an hour, has also been provided in evidence by the GMC and the GMC's position is that in this conversation there are also failures of Dr Mujtaba to deny repeated assertions or questions put to him by Mr C as to why he hit (other words were also used) Person A.

49. The Tribunal also took into account the transcript of the conversation between Mr C and Dr Mujtaba. Dr Mujtaba responds to Mr C and says *"When it happened the first time I ... attempted to ... to ... I was so angry that ... I attempted to ... tried to ... XXX"*, however the Tribunal received no evidence as to what incident Dr Mujtaba was referring to.

50. The Tribunal had similar concerns with this conversation in that it was recorded by Mr C without Dr Mujtaba's consent or knowledge and was directed at attempts to make Dr Mujtaba accept that he had struck Person A. The Tribunal also accepted that, as both Person A and Dr Mujtaba said in evidence, they placed high regard and respect to XXX and that Dr Mujtaba would have found it even more difficult to argue with XXX.

51. The Tribunal found that both Person A and Mr C had agreed to record their separate conversations in order to obtain these 'admissions'. It did not accept Person A's evidence in which [they] denied knowing that XXX was going to record his conversation with Dr Mujtaba. The Tribunal was not persuaded by [Person A's] suggestion that [they] XXX spontaneously and independently made the decision to record these conversations.

52. Overall, the Tribunal did not consider an absence of a denial in the transcript to be an admission of guilt. The Tribunal also did not consider the 'admissions' as submitted by Ms Goring were in fact admissions, as opposed to vague agreements with statements which were non-specific about the incidences alleged in this part of the Allegation. As such the Tribunal attached limited weight to the content of the transcript.

53. The Tribunal was cognisant of the lack of independent evidence to corroborate this specific allegation, such as any supporting evidence from other witnesses. Person A had not mentioned it to anyone else at all, XXX. The first account of any incident at all was on XXX 2022, when in XXX.

54. Throughout its deliberations the Tribunal was mindful of the distressing subject matter of the Allegation for Person A, XXX. However, in closely assessing all the evidence

before it, the Tribunal found that the evidence of Person A and the transcript(s), on which the GMC sought primarily to rely on, was at times vague and inconsistent. Given the lack of specificity provided by the attempts of both Person A and Mr C to get Dr Mujtaba to accept responsibility for the alleged acts, the Tribunal found that the evidence on which the GMC sought to rely was not sufficient for it to find, on the balance of probabilities, that Dr Mujtaba physically abused Person A in that he: slapped Person A across [their] cheek with his hand; pushed the XXX door against Person A with his body when [they] attempted to close it; and grabbed Person A by [their] arms, as [Person A] had alleged.

55. Therefore, the Tribunal concluded that the GMC had failed to discharge its burden of proof. Accordingly, the Tribunal determined that paragraphs 1a(i)(1), 1a(i)(2) and 1a(i)(3) of the Allegation were not proved.

Paragraph 1a(ii) – not proved

56. The Tribunal considered whether in or around XXX 2022 a few days after the incident described at paragraph 1(a)(i), Dr Mujtaba abused Person A emotionally, in that in response to Person A asking him if XXX, Dr Mujtaba said ‘you’re useless and you’re stupid’, or words to that effect.

57. The Tribunal noted that Dr Mujtaba disputed this allegation. Dr Mujtaba asserted in oral evidence that he “*never said that...XXX*”. XXX

58. The Tribunal noted that Person A had not included this allegation in either [their] first GMC witness statement, dated 18 July 2023, or [their] supplemental witness statement, dated 15 February 2024. Reference to this alleged incident appeared only once in [their] second police statement, dated 16 August 2022. Person A explained that the GMC statements were based on the content of the police statement as a reason for the issue not being contained in the GMC document.

59. Further, the Tribunal was cognisant of the lack of independent evidence to corroborate this specific allegation, nor was there any specificity as to the date. Person A had again not mentioned it to anyone else at all, until providing a statement to the Police, dated 16 August 2022.

60. The Tribunal considered Person A’s claim that Dr Mujtaba said to [them] that [Person A] was useless or stupid, or words to that effect, was weakened as [Person A] had not made this allegation in [their] two witness statements. It noted that this, along with an insufficiency

of evidence, was weighed against a specific denial from Dr Mujtaba, who was of good character.

61. The Tribunal considered that, in the circumstances, it could not consider that it was more likely than not, that Dr Mujtaba abused Person A emotionally, in that in response to Person A asking him XXX, Dr Mujtaba said ‘you’re useless and you’re stupid’, or words to that effect.

62. Therefore, the Tribunal concluded that the GMC had failed to discharge its evidential burden.

63. Accordingly, the Tribunal determined that paragraph 1a(ii) of the Allegation was not proved.

XXX 2022

64. The Tribunal considered whether they could consider paragraphs 1b(i)(ii), and (iii) of the Allegation individually, but as it was part of the same incident it was difficult to do so. However, the Tribunal did consider each part carefully.

Paragraph 1b(i), 1b(ii) and 1b(iii) – not proved

65. The Tribunal considered the entirety of paragraphs 1b of the allegation as a single incident, which alleged that XXX, in or around XXX 2022, Dr Mujtaba abused Person A physically, in that he:

- grabbed Person A by [their] arm;
- forcefully pushed Person A back XXX;
- whilst in XXX, he said to Person A whilst still holding [their] arm, ‘you stay here’, or words to that effect.

66. In [their] witness statement, Person A stated that [they were] in the same room when Dr Mujtaba was talking to XXX. [Person A] said that when [they] went to leave the room, “*Dr Mujtaba grabbed me by the arm, and pulled me back XXX. Whilst still holding my arm, he then pushed me further into the XXX with force and said ‘you stay here’*”. Person A said that when Dr Mujtaba pulled [them] from the doorway and pushed them XXX, [Patient A] suffered a bruise on [their] left arm, which was the size of a thumbprint, and it was there for 2-3 days.

67. XXX

68. Dr Mujtaba denied this allegation and that any such incident occurred on or around XXX 2022 and disputed Person A's evidence. He asserted in his witness statement, that XXX.

69. Considering both Person A's and Dr Mujtaba's evidence, it was clear that XXX. While some context was provided as to XXX in relation to the alleged XXX 2022 incident as compared to the alleged XXX incident, it remained that there was an insufficiency of evidence and inconsistencies within Person A's account.

70. XXX

71. XXX

72. The Tribunal also noted that there was no independent evidence of the alleged bruise. Person A explained in [their] oral evidence that [they] did not take a picture of the bruise because it did not cross [their] mind and there was no reason to photograph it at the time. XXX.

73. When asked about [their] mobile phone during cross examination, Person A gave hesitant answers and introduced the fact that [they] acquired a new mobile phone and had not been asked for it by the Police. [Person A] went on to describe that the absence of photographs of the alleged bruise was because it was not in [their] mind to collect evidence at this time. Overall, the Tribunal found [Person A's] evidence on these points unpersuasive as, in particular, the absence of phone logs appeared inconsistent with [their] subsequent actions in recording phone calls and gathering evidence XXX.

74. XXX

75. While answering questions under cross examination, the Tribunal noted that Person A took a long time to answer some questions while looking at [their] statement and exhibits before [them], and where there was no documentary evidence that [they] could turn to [Person A's] answers were vague. In noting this issue, the Tribunal fully considered the effect of passage of time on memory, however these matters were significant events in Person A's life over a relatively short period of time – XXX, which [they] described as shocking. The Tribunal was concerned about [Person A's] difficulties in answering questions where the answers were not always to be found in [their] statements.

76. The Tribunal set its considerations of paragraphs 1b(i), 1b(ii) and 1b(iii) with its earlier remarks about the evidence of the transcripts at paragraphs 39-44 above. It considered that

there continued to be an insufficiency of evidence in the transcripts (such as clear admissions or denials from Mr Mujtaba) with either Person A or Mr C that could support a finding of this allegation.

72. The Tribunal noted a further inconsistency as to this allegation specific to the transcript of the recording made by Person A. The allegation, in terms of physical violence, is that Dr Mujtaba grabbed Person A's arms and forcefully pushed [them] XXX. There is no mention of the specifics of this act in the transcript.

77. While some context was provided as to the argument in relation to the alleged XXX 2022 incident as compared to the alleged XXX incident, it remained that there was an insufficiency of evidence and inconsistencies within the account of Person A.

78. Therefore, taking the evidence in the round, the Tribunal was not satisfied that the evidence supported a finding, on the balance of probabilities, that Dr Mujtaba physically abused Person A in that he; grabbed Person A by [their] arm; forcefully pushed Person A back XXX; or whilst in XXX, said to Person A whilst still holding [their] arm, 'you stay here', or words to that effect.

79. Accordingly, the Tribunal determined that paragraphs 1b(i), 1b(ii) and 1b(iii) of the Allegation were not proved.

XXX 2022

80. The Tribunal considered whether they could consider paragraphs 1c(i)(1), (2) and (3) of the Allegation individually, but as it was part of the same incident it was difficult to do so. However, the Tribunal did consider each part carefully.

Paragraph 1c(i)(1)(2)(3) – not proved

81. The Tribunal considered whether on an occasion on or around XXX 2022, Dr Mujtaba abused Person A physically, in that:

- on one or more occasion, he held Person A's arms tightly and shook [them] in an aggressive manner, whilst telling [Person A] that [they] had to listen to you right now, or words to that effect;
- he pulled Person A onto [their] back with [their] arm;
- he slapped Person A across [their] face with his hand.

82. The Tribunal first considered the relevant and agreed background to the events of XXX and XXX 2022. The Tribunal accepted there had been an argument XXX between Person A and Dr Mujtaba XXX. Person A's statement was that this was XXX. Dr Mujtaba stated that it was a dispute about XXX.

83. The argument then restarted with both Dr Mujtaba and Person A providing conflicting accounts as outlined below:

84. In [their] witness statement, Person A said that:

"I believe we were having an argument XXX. This was in the evening, as I remember that it was dark outside when I left... XXX Dr Mujtaba said he wanted to speak to me, but I pleaded we speak in the morning as I was tired, to which he responded, 'no, you have to listen to me'. He said this aggressively, his voice was raised. I responded saying I was tired. XXX.

I remember him repeating that I 'had to listen to him right now' and shaking me XXX. He would hold my left arm and shake me. From what I remember he did this a couple of times. He did this aggressively. He was holding my arms tightly."

85. In his witness statement, Dr Mujtaba said that:

"[Person A] and I then had a dispute XXX. The argument was nothing to do with XXX. As I said earlier, this was not an issue between us. XXX. I was trying to have a discussion with [Person A]. It got to the point where [they] would not respond and XXX. I did not slap [Person A] or assault [them] in any way. I did not shake [them] aggressively at any stage."

86. Paragraph 1c(i)(1) was alleged as such that Dr Mujtaba held Person A's arms tightly and shook [them] in an aggressive manner. Dr Mujtaba accepted in evidence before the Tribunal that he tried to move [their] hand away from [their] face and Person A did not want him to touch [them]. XXX. The Tribunal was satisfied that there was an unwanted and repeated physical interaction by Dr Mujtaba towards Person A. Dr Mujtaba asserted in oral evidence and was contained in his handwritten statement to the police in the September interview that he tried to move [Person A's] arm but did so "gently XXX", Person A was clear in [their] evidence that during this physical interaction, Dr Mujtaba had assaulted [them]. It was, by his own evidence, repeated attempts to remove [Person A's] arm from [their] face so that he could talk with [them].

87. While the Tribunal accepted this was repeated unwanted contact by Dr Mujtaba to Person A, it was not able to find the allegation proved as made out. In [Person A's] statement

to the Police, [they] stated “XXX.” The Tribunal took this as an inconsistency when compared to [Person A’s] GMC witness statement, which appeared to exaggerate the act as alleged by stating that the shaking was ‘aggressive’. The Tribunal accepted Dr Mujtaba’s evidence that he repeatedly tried to remove [Person A’s] arm from [their] face, however it did not find that he grasped both [Person A’s] arms and shook [them] in an aggressive manner given the physical position of them both as described by Person A.

88. In relation to that part of the allegation which states that Dr Mujtaba told Person A that ‘[Person A] had to listen to you’ or words to that effect. Whilst the Tribunal had no doubt that Dr Mujtaba was trying to get Person A to get to speak to him, the Tribunal does not find that he did so in a manner that was ‘physically abusive’ as alleged.

89. In relation to the parts of the allegation about pulling Person A onto [their] back with [their] arm, paragraph 1c(i)(2), and slapping Person A across [their] face with his hand, paragraph 1c(i)(3), the Tribunal noted the conflicting accounts between the two witnesses:

90. Person A stated [they were] lying XXX covering [their] face with [their] arm, he forced [Person A] to lie on [their] back by pulling [their] arm, at which point he slapped [Person A] across [their] face with his hand.

91. Dr Mujtaba denied slapping Person A or pulling [them] to lie on [their] back, he stated that he tried to move [Person A’s] arm off [their] face in an attempt to talk to [them], but did no more than that.

92. The Tribunal determined that in attempting to move [Person A’s] forearm off [their] face, Dr Mujtaba may have come into contact with [their] cheek. The Tribunal found it difficult, given the stark differences in the accounts and the lack of any other evidence and the context that it had already rehearsed, to do more than find that there was unwanted physical contact from Dr Mujtaba towards Person A, however the Tribunal was not able to find that the physical contact was as alleged.

93. The Tribunal further noted that despite the conversation between Mr C and Dr Mujtaba lasting approximately an hour, there was neither a denial or full admission in the transcript of the recording made by Mr C about this incident. It reminded itself of its earlier finding that an absence of denial was not an admission of guilt.

94. The Tribunal was concerned that Mr C decided to record a conversation with Dr Mujtaba, on his evidence, to provide an account to XXX. Person A despite having made [their] own attempt to secure an admission from Dr Mujtaba by recording [their] own conversation,

denied that there was any collaboration between [them] and Mr C to make the recordings. The Tribunal did not find this to be persuasive.

95. The Tribunal was not satisfied that the evidence adduced was sufficiently reliable for it to find, on the balance of probabilities, that Dr Mujtaba physically abused Person A as alleged.

96. Accordingly, the Tribunal determined that paragraphs 1c(i)(1)(2)(3) of the Allegation were not proved. However, the Tribunal records its concerns that Dr Mujtaba repeatedly tried to remove Person A’s forearm from [their] face trying to talk to [them] which [they] clearly did not want.

Paragraph 1c(ii)(1) – not proved

97. The Tribunal considered whether on an occasion on or around XXX 2022, Dr Mujtaba abused Person A emotionally, in that after he had slapped Person A’s face as described at paragraph 1ci3, he said to [them] in an aggressive manner, ‘you always do this’, or words to that effect.

98. The Tribunal determined paragraph 1c(i)(3) not proved, and this allegation was inextricably linked to the alleged slap. Therefore, this allegation falls.

99. Accordingly, the Tribunal determined that paragraphs 1c(ii)(1) of the Allegation were not proved.

Paragraph 1c(ii)(2) – not proved

100. The Tribunal considered whether on an occasion on or around XXX 2022, Dr Mujtaba abused Person A emotionally, in that XXX.

101. XXX

102. XXX

103. XXX

104. XXX

105. Accordingly, the Tribunal determined that paragraphs 1c(ii)(2) of the Allegation were not proved.

Paragraph 1d(i) – not proved

Paragraph 1d(ii) – not proved

106. The Tribunal next considered whether on one or more occasion Dr Mujtaba attempted to dissuade Person A from reporting his behaviour as described at paragraph(s) 1a-c, in that he:

- told Person A that if [they] were ever to mention anything to the police, they would not believe [them].
- said to Person A XXX

107. Dr Mujtaba denied these allegations and disputed Person A's evidence.

108. The Tribunal considered that there was no independent evidence that supported Person A's assertion that these comments were made. The first time Person A alleged these comments were in [their] statement to the GMC dated 18 July 2023 and related to the first allegation of physical assault, which [Person A] alleged took place on an unspecified date in XXX 2022, as a reason for not reporting the matter.

109. Person A eventually reported the matter to the Police on 26 July 2022, XXX. However, at the time of the initial report to the police Person A provided an initial statement indicating [they] would not support any police action at that XXX. [Person A] provided [their] first recorded detailed account to the police on 16 August 2022.

110. During cross-examination, Person A's position changed from the alleged comments being a direct threat to [them] to more of a comment of Dr Mujtaba referring generically to patients that he had dealt with, who themselves had been XXX.

111. The alleged comments were made around the time of the first allegation of physical abuse in XXX 2022, which the Tribunal had already found not to be proved and lack specificity regarding the date.

112. XXX

113. XXX

114. XXX

115. Therefore, in relation to this part of the allegation Person A’s actions seemed at odds with [their] suggestion that Dr Mujtaba warned [them] off XXX or going to the Police when [they] later did. The Tribunal also found that XXX.

116. The Tribunal finds no clear evidence that Dr Mujtaba might have attempted to dissuade Person A from reporting his behaviour to the Police, nor that XXX. The Tribunal therefore found this allegation not proved.

117. In any event, paragraph 1d(i) and i(d) (ii) are inextricably linked to paragraphs 1a-c and the Tribunal had found paragraphs 1a-c not proved. Therefore, having found paragraphs 1a-c not proved, both paragraphs fall.

118. Accordingly, the Tribunal determined that paragraphs 1d(i) and paragraph 1d(ii) of the Allegation were not proved.

Paragraph 2 – not proved

119. Having found the entirety of paragraph 1 not proved, it was not necessary for the Tribunal to determine paragraph 2 of the Allegation.

120. Accordingly, The Tribunal determined paragraph 2 of the Allegation not proved.

The Tribunal’s Overall Determination on the Facts

121. The Tribunal has determined the facts as follows:

That being registered under the Medical Act 1983 (as amended):

1. Between around XXX and XXX 2022, XXX:
 - a. in or around XXX 2022:
 - i. you abused Person A physically, in that you:
 1. slapped Person A across [their] cheek with your hand; **Not proved**
 2. pushed the XXX against Person A with your body when [they] attempted to close it; **Not proved**

3. grabbed Person A by [their] arms; **Not proved**
- ii. a few days after the incident described at paragraph 1.a.i, you abused Person A emotionally, in that XXX, you said ‘you’re useless and you’re stupid’, or words to that effect; **Not proved**
- b. on an occasion in or around XXX 2022 you abused Person A physically, in that:
 - i. you grabbed Person A by [their] arm; **Not proved**
 - ii. you forcefully pushed Person A XXX; **Not proved**
 - iii. XXX, you said to Person A whilst still holding [their] arm, ‘you stay here’, or words to that effect; **Not proved**
- c. on an occasion on or around XXX 2022:
 - i. you abused Person A physically, in that:
 1. on one or more occasion, you held Person A’s arms tightly and shook [them] in an aggressive manner, whilst telling [them] that [they] had to listen to you right now, or words to that effect; **Not proved**
 2. you pulled Person A onto [their] back with [their] arm; **Not proved**
 3. you slapped Person A across [their] face with your hand; **Not proved**
 4. ~~you threw your phone towards Person A, XXX;~~ **Withdrawn following successful 17(2)(g) application**
 - ii. you abused Person A emotionally, in that:
 1. after you had slapped Person A’s face as described at paragraph 1ci3, you said to [them] in an aggressive manner, ‘you always do this’, or words to that effect; **Not proved**
 2. XXX; **Not proved**
- d. on one or more occasion you attempted to dissuade Person A from reporting your behaviour as described at paragraph(s) 1a-c, in that you:

- i. told Person A that if [they] were ever to mention anything to the police, they would not believe [them]; **Not proved**
 - ii. XXX; **Not proved**
or words to that effect.
 2. Your conduct as described at paragraph 1 amounted to controlling and/or coercive behaviour, in that you repeatedly or continuously engaged in behaviour towards Person A that was controlling and/or coercive, had a serious effect on Person A, and you knew or ought to have known would have a serious effect on Person A. **Not proved**
122. As the facts have not been found proved it therefore follows that Dr Mujtaba’s fitness to practise is not impaired.
123. That concludes this case.