

Court No. - 2

Case :- WRIT - C No. - 9987 of 2024

Petitioner :- Minor X Thru. Her Father Satynam

Respondent :- State Of U.P. Thru. Prin. Secy. Medical Health And Family Welfare Deptt. Lko. And 3 Others

Counsel for Petitioner :- Amitesh Pratap Singh, Meera Jain

Counsel for Respondent :- C.S.C.

Hon'ble Rajan Roy, J.

Hon'ble Brij Raj Singh, J.

1. In compliance of our earlier order dated 28.11.2024, Sri Shubham Tripathi, learned counsel for KGMU has placed before us the medical examination report of the victim in a sealed cover, which we have opened.

2. As per a report, which is signed by five doctors and is dated 9.12.2024, the victim carries foetus of 12 weeks and six days. As per the report and subject to the condition mentioned in it, termination of pregnancy can be undertaken. The medical examination report is taken on record along with its envelop.

3. This petition is **disposed of** with the following observations/directions:-

i. Petitioner shall appear on 26.12.2024 before the Registrar, K.G.M.U., who shall make necessary arrangements for termination of her pregnancy. The concerned doctors who would be undertaking the aforesaid procedure should be informed by the learned counsel for the K.G.M.U. in advance so that they are ready for conducting the procedure for termination of pregnancy on 26.12.2024 .

ii. As according to the petitioner, the pregnancy is on account of an offence having been committed on her by the accused of Case Crime No. 276 of 2024 under Sections 137 (2), 87, 65 (1) B.N.S. and Section 3/4 (2) of the POCSO Act., Police Station Tanda, District Ambedkar Nagar, therefore, we provide that the Investigating Officer shall be informed in advance by Ms. Akansha Dubey, Additional Chief Standing Counsel and the Registrar, K.G.M.U. Moreover, the Medical Team, which will undertake the aforesaid procedure, shall also ensure that D.N.A. sample of the foetus is preserved as per law, as it may have evidentiary value in criminal case, which is pending.

iii. Investigating Officer of the aforesaid case crime number shall collect the D.N.A. sample from the K.G.M.U. as per law and present it for such examination, as is required, as per law, in the said criminal case.

iv. If any other steps are required to be taken by the Medical Team or by the Investigating Officer with regard to the aforesaid procedure, the same shall also be taken, as per law.

v. Ms. Akansha Dubey, learned Additional Chief Standing Counsel and learned counsel for the K.G.M.U. are directed to communicate this order to concerned for compliance and shall ensure the same.

Let a certified copy of this order be provided to the learned counsel for the parties within 24 hours on payment of usual charges , if possible.

[Brij Raj Singh, J.] [Rajan Roy, J.]

Order Date :- 19.12.2024

Anuj Singh