

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3874 OF 2017

Danbahadur Rajkaram Yadav. ..Petitioner.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. T. K. Sinha for the Petitioner.
Mrs. A. S. Pai, APP for the State.

Coram : RANJIT MORE &
PRAKASH D. NAIK, JJ.
Date : **October 13, 2017.**

P. C. :

1. Heard the learned Counsel for the Petitioner and the learned APP for the State. The petition is filed seeking direction to Respondent No.2-authority to terminate the pregnancy of victim of rape, namely, petitioner's daughter, on the ground that the continuance of pregnancy would cause grave injury to the victim girl.

2. It was case of the Petitioner that as on 10th October 2017, his daughter was running into 27 weeks of pregnancy. In the light of decision of the Apex Court in Meera Santosh Pal v. Union of India [WP (Civil) No. 17 of 2017 decided on 16.1.2017], we passed following directions on 10th October 2017 :

(i) we direct Director (ME & MH)'s office, Seth G.S. Medical College & KEM Hospital, Parel, Mumbai to form a Medical Board of expert doctors and examine the present health condition of the Petitioner's minor daughter and submit the report, as expeditiously as possible and in any case by 13th October 2017;

(ii) Learned APP shall communicate this order to the Director (ME & MH)'s office, Seth G.S. Medical College & KEM Hospital, Parel, Mumbai, immediately;

(iii) the Petitioner is directed to approach the Director (ME & MH)'s office, Seth G.S. Medical College & KEM Hospital, Parel, Mumbai along with his minor daughter and previous medical report of his minor daughter.

3. The learned APP states that pursuant to the directions issued by this Court, the Petitioner's daughter had appeared before the medical board in KEM Hospital and GS Medical College, Mumbai at 10.00 am on 11th October 2017 for medical examination and she was examined by panel of 8 doctors, namely,

- 1] Dr. Avinash N. Supe, Director (Medical Education and Major Hospitals) and Dean (G&S), Chairman.
- 2] Dr. Ajita Nayak, Professor, Psychiatry, KEM Hospital
- 3] Dr. Amar Pazare, Professor and HoD, Medicine, KEM Hospital
- 4] Dr. Indrani Hemantkumar Chincholi, Professor and HoD, Anaesthesia, KEM Hospital
- 5] Dr. Y. S. Nandanwar, Ex-Professor and HoD, Obstetrics and Gynecology, LTMMC and LTMG Hospital.
- 6] Dr. Padmaja Samant, Addl. Professor and Unit Head, Obstetrics and Gynecology, KEM Hospital.
- 7] Dr. Hemangini Thakkar, Addl. Professor, Radiology, KEM Hospital
- 8] Dr. Ruchi Nanavati, Prof. & HoD, Neonatology, KEM Hospital.

4. The learned APP placed on record the medical report regarding the examination of the Petitioner's daughter, which is received by email. The same is taken on record and marked "X" for identification. We have gone through the same. The obstetric examination shows 26 to 27 weeks pregnancy with viable fetus and there is no abnormality detected in the fetus. The board of eight doctors has opined that the Petitioner's daughter should be directed to continue pregnancy with medical and psychological support, the pregnancy should be managed as per obstetrics indication.

5. In the light of above report and especially in view of the provisions of section 3 of the Medical Termination of Pregnancy Act, 1971, we are not inclined to interfere in the petition. Hence, petition is dismissed.

[PRAKASH D. NAIK, J.]

[RANJIT MORE, J.]