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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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+ **W.P.(CRL) 3557/2017 & CrI.M.A.No.21058/2017**

MS X THROUGH HER FATHER Y Petitioner

Through: Mr.Kamlesh Kumar Mishra,
Advocate.

versus

GOVT OF NCT OF DELHI & ORS. Respondents

Through: Mr.Vivek Goyal, CGSC with
Mr.Rajeev Ranjan Shahi and
Mr.Harsh Pandit, Advocates for
UOI/R 3 & 4.
Mr.Chaitanya Gosain, Advocate for
Mr.Rahul Mehra, Standing Counsel
for State with SI Priyanka, P.S. Sarita
Vihar, New Delhi.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE I.S.MEHTA

ORDER

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22.12.2017

1. The report dated 21st December 2017 of the Medical Board of the All India Institute of Medical Sciences ('AIIMS') has been placed before this Court in a sealed cover. It has been opened and perused.

2. *Inter alia* the report reads as under:-

“A medical board was constituted by the Medical Superintendent, AIIMS on

subject noted above. The Chairman of the board co-opted the following members.

1. Dr.Ramesh Agarwal
Professor, Deptt. Of Paediatrics
2. Dr.Raman Deep Pattanayak
Assoc. Professor, Deptt. Of Psychiatry
3. Dr. Abhishek Yadav
Asst Prof, Dept of Forensic Medicine

The meeting of the medical board was held on Thursday, 21st December, 2017 at 10:30 A.M. in VIP Consultation Room, M.S. Office Wing, ground floor, AIIMS, New Delhi. The following members of the board were present except Dr. Smita Manchanda, Asstt. Professor, Deptt. Of Radio-diagnosis, AIIMS, who was replaced with Dr. Surabhi Vyas, Assoc. Professor, Deptt. Of Radio-diagnosis, AIIMS. The Board consists of the following members:

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|---|---|--------------|
| 1. Dr.Vatsla Dadhwal
Professor, Deptt, of Obs. & Gyane | - | Chairperson |
| 2. Dr. Ramesh Agarwal
Professor, Deptt. Of Paediatrics | - | Member |
| 3. Dr. Raman Deep Pattanayak
Assoc. Professor, Deptt. Of Psychiatry | - | Member |
| 4. Dr. Aparna K. Sharma
Assoc. Professor, Department of Obs. & Gyane | | |
| 5. Dr.Surabhi Vyas
Assoc. Professor, Deptt. of Radio-diagnosis | - | Member |
| 6. Dr. Abhishek Yadav
Asst Prof, Dept of Forensic Medicine | - | Member |
| 7. Dr. Meeta Tyagi
Department of Hospital Administration | - | Member Secy. |
| 8. Dr. Siddharth Mishra | - | Observer |

Department of Hospital Administration

The case of Ms. 'X' was examined by the board members after which the Medical board is of the opinion which is as follows:

As on 21.12.2017 the duration of pregnancy of Ms. 'X', according to the LMP is 26 week + 5 days, which is corroborated by the clinical and the Ultrasound (USG) examination (done on 13.12.2017 at AIIMS, New Delhi, Report Attached). At this advanced gestation, the foetus has reached a period of viability and if born at this gestation has a reasonable chance of survival.

Additionally with birth at this gestation the baby is likely to require intensive care including mechanical ventilation for a long time which may predispose to a variety of complications including adverse neurological outcome in later life.

Termination of pregnancy at this age is relatively unsafe for the mother also. The petitioner and her parents have verbally consented for termination of pregnancy, but separate informed consent shall be required for subsequent medical and surgical procedure at a later stage during treatment.

Psychiatric examination, including a clinical history and Mental State examination, was conducted on 21.12.17. Informants included Ms 'X' and her father (no corroborating informant is available for period between March 2017 to Nov 2017). Available past history is suggestive of

dissociative (trance and possession) spells. Current Mental State Examination did not reveal any abnormality. No psychopathology was elicited in the current mental state examination.”

3. A copy of the report has also been shown to the counsel for the Petitioner. In view of the above report, the Court is not in a position to accede to the prayer of the Petitioner regarding the medical termination of her pregnancy.

4. The Court records its appreciation of the promptness with which the Medical Superintendent (MS) AIIMS and the Medical Board of eminent doctors have acted, and rendered opinion, in aid of the Court's orders.

5. The petition is disposed of. A copy of this order be delivered forthwith by a Special Messenger to the MS, AIIMS.

S. MURALIDHAR, J.

I.S. MEHTA, J.

DECEMBER 22, 2017
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