

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7444 OF 2018

'X' Age 16, Minor through her brother and
natural legal guardian Mumtaz Hussain Patel ...Petitioner
Vs.
Union of India through Secretary & Ors. ...Respondents

Ms.Neha Philip with Ms.Meenaz Kakalia i/b.Kranti L.C. for Petitioner.
Mrs.Neeta Masurkar with Mr.S.G. Thakur, Ms.Nieyati Masurkar for
Respondent No.1-UOI.
Mr.A.B. Vagyani, GP, with Mr.V.N. Sagare, AGP, for State.

**CORAM : NARESH H. PATIL AND
 G.S. KULKARNI, JJ.**

DATE : 20th JULY 2018

P.C.:

We have perused the report of the experts of Sir J.J. Group of Hospitals, which is in a sealed cover. The said report is marked “X” for identification. The Committee of experts examined the minor girl who is reported to be 16 and ½ years old. Each of the member of the Committee has independently given their opinion. A final analysis of the opinion of the Committee has been signed by all the members. Last three paragraphs of the opinion are reproduced as under:-

“Pregnant minor, her sister & her aunt have expressed desire to terminate the pregnancy and are made aware of the dangers of continuation of pregnancy, as well as termination of pregnancy.

Since the pregnancy has advanced to 24 weeks, well beyond legal limit of termination of pregnancy i.e. 20 weeks, the termination

can only be done with Hon'ble High Court permission.

At 24 weeks of gestation, termination of pregnancy also carries risk to pregnant minor. However continuation of pregnancy will have physical & mental stress. Hence it is advisable to terminate the pregnancy.”

2. The learned Counsel appearing for the petitioner informs that aunt/parents/guardian of the minor girl and the minor girl are willing to undergo the necessary procedure for termination of pregnancy.

3. Considering the facts and the report submitted before us, we allow the petitioner and the committee of experts for taking necessary steps for terminating pregnancy of the victim girl.

4. The learned Government Pleader to communicate the order.

5. Investigating Officer is present in the Court. The learned Government Pleader submits that basic investigation is over, except getting DNA report. The investigating officer would complete investigation at the earliest and submit a final report on its own merits. The learned Government Pleader also submits that Assistant Director, Forensic Science Laboratory, Home Department, Maharashtra State, Mumbai, has intimated the investigating officer on 18th July 2018 that DNA report would be submitted by 26th July 2018. The communication

dated 18th July 2018 is taken on record and marked **X-1** for identification.

6. Writ petition stands disposed of accordingly.

[G.S. KULKARNI, J.]

[NARESH H. PATIL, J.]