

psv

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

WRIT PETITION NO.7634 OF 2018

'X' Age 16, Minor through her father and natural guardian Devidas Sonawane	...Petitioner
Vs.	
Union of India through Secretary & Ors.	...Respondents

Ms.Meenaz Kakalia with Ms.Neha Philip i/b. Kranti L.C. for Petitioner.
 Mrs.Purnima Awasthi for Respondent Nos.1 & 3.
 Mr.V.N. Sagare, AGP, Advocate, for Respondent No.2.
 Dr.Padmaja Samant, KEM Hospital, present.
 Mr.V.B. Sawant, PSI, Meghwadi Police Station, present.

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

DATE : 31st JULY 2018

P.C.:

By this petition, father of the minor victim girl prays for termination of pregnancy of his daughter. We had called for a report from the Medical Board attached to KEM Hospital on the last occasion.

2. On the last occasion, a report was submitted before the Court. According to the last report dated 20th July 2018, patient was again examined. Today second report is submitted. Second report is taken on record and marked "X-1" for identification. After examination of the minor victim girl, the Medical Board opined as under:-

“The board is of the opinion that at present the patient is medically fit with due inherent risks of failure, infection and rarely, requirement of surgical procedure in any such procedure. These risks have already been spelt out in detail in the past report.

In view of stated sexual assault, due psychological support may be offered to the patient during and after the procedure.

The procedure can be done in the hospital where the patient is admitted now.”

3. Dr.Padmaja Samant, Additional Professor and Unit Head, Obstetrics & Gynaecology, KEM Hospital, is present in the Court. We had a brief interaction on the subject issue with Dr.Padmaja Samant. She submits that the patient is now medically fit for undergoing necessary procedure of terminating pregnancy. At present, the minor victim girl is in door patient in Cooper Hospital.

4. The learned Counsel appearing for the petitioner submits that the victim girl and her parents are ready to allow the medical experts to carry out necessary procedure of terminating pregnancy. As on today the pregnancy is of 22 weeks and 2 days.

5. We have perused the medical report. Taking into consideration the medical report as referred above, the submissions advanced and in view of the request made, we think it appropriate to allow the minor victim girl to opt for termination of pregnancy.

6. We direct the Dean of KEM Hospital to take necessary steps to terminate the pregnancy of the victim girl on her admission in KEM Hospital by carrying out necessary procedure.

7. Needless to mention that the Dean of KEM Hospital may constitute a team for the said purpose.

8. The learned Counsel appearing for the petitioner submits that the victim girl would be admitted in KEM Hospital, if possible by today or tomorrow.

9. Writ Petition stands disposed of accordingly.

[G.S. KULKARNI, J.]

[NARESH H. PATIL, J.]