IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13738 OF 2018

Suvarna Dattatraya Kumbhar .... Petitioner

versus

The Union of India & An. ... Respondents

.....

- Mr.Jayant Bardeskar, Advocate for Petitioner.
- Ms.Shruti D. Vyas, Advocate for Respondent No.1/Union of India.
- Mr.B.V. Samant, AGP for Respondent/State.

CORAM : B. P. DHARMADHIKARI &
SARANG V. KOTWAL, JJ.
DATE : 10th DECEMBER, 2018.

P.C. :

1. On 04/12/2018 this Court has directed Respondents to form a Medical Board consisting of necessary experts to examine the feasibility of termination of pregnancy. The Petitioner is a rape victim.

2. Accordingly today the learned AGP has produced communication dated 06/12/2018 sent by Dean, R.C.S.M.

Government Medical College and C.P.R. Hospital, Kolhapur, to him. Along with it, a report of committee consisting of Neuro Surgeon, Professor & H.O.D. Department of Paediatrics, Associate Professor & H.O.D. Department of Radiology, Secretary - Medical Superintendent, C.P.R. Hospital, Kolhapur and Chairman - Professor & H.O.D. Department of OBGY, R.C.S.M.G.M.C., Kolhapur, dated 06/12/2018 is also produced. Experts have submitted their report to Dean.

3. Report shows the pregnancy of 19 to 22 weeks old and also supports demand for Medical Termination of Pregnancy.

4. As per Explanation (i) to section 3 (2) of The Medical Termination of Pregnancy Act, 1971, anguish caused by such pregnancy, is presumed to constitute a grave injury to mental health of victim.

5. Accepting said report, we accordingly grant permission for termination of pregnancy.

6. The Petitioner to report to Dean Chhatrapati Pramilaraje General Hospital, Kolhapur, on Wednesday i.e. 12/12/2018 at 09.00 a.m., where the necessary procedures shall be performed.

7. Writ Petition is accordingly allowed and disposed of.

8. The parties are permitted to act on authenticated copy of this order.

(SARANG V. KOTWAL, J.) **(B. P. DHARMADHIKARI, J.)**