

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 277 OF 2019**

Afsana Anwar Khan	...Petitioner
Versus	
Union of India, through The Secretary, Ministry of Law & Justice & Ors.	...Respondents

Ms. Afreen Khan for the Petitioner

Ms. Anusha Amin for the Respondent Nos. 1 and 3

Ms. S. D. Vyas, `B' Panel for the Respondent-State

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.
WEDNESDAY, 16th JANUARY 2019**

P.C. :

1 In terms of order dated 9th January 2019, the Expert Committee has forwarded its opinion dated 15th January 2019 to this Court in sealed envelope.

2 We opened the envelope. We find that the fetus suffer from serious neurological abnormality and fulfills criteria of “substantial risk of serious physical handicap”. Expert Committee has concluded that fetus will not survive after delivery.

3 Committee mentions that this position was pointed out to petitioner and she had volunteered for termination of pregnancy. The Committee states that if Court permits, pregnancy can be terminated.

4 The Committee has also informed Court that if the child is born alive, parents must undertake to bear responsibility and required neon-natal management.

5 The counsel for petitioner, upon instructions, states that if in the procedure for termination of pregnancy, child is born alive, petitioner/parents shall look after him and attempt to make necessary arrangements. She also adds that petitioner is hardly 19 years old and comes from a poor family.

6 Considering the totality of facts, accepting the undertaking as given, we permit petitioner to proceed for termination of pregnancy. Petition is disposed of accordingly.

7 Petitioner to report at J. J. Hospital, Mumbai on 18th
January 2019 by 12:00 p.m., where the procedure shall be carried out
at the earliest.

REVATI MOHITE DERE, J.

B. P. DHARMADHIKARI, J.