

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.3378 OF 2019**

Mrs. Adhuri Anis Shaikh .... Petitioner  
Vs.  
The State of Maharashtra & Others .... Respondents

Mr. Shantanu R. Phanse (Appointed by the High  
Court Legal Aid Cell) for the Petitioner.  
Ms M.P. Thakur, AGP, for the Respondent-State.

**CORAM:** S.C. DHARMADHIKARI &  
B.P. COLABAWALLA, JJ.

**DATE** : MARCH 18, 2019

**P.C:**

Taken out of turn. Heard.

2. This petition invokes the provisions of The Medical  
Termination of Pregnancy Act, 1971 (“the Act” for short).

3. After hearing the Advocate for the petitioner and  
perusing with his able assistance the writ petition and the  
annexures thereto, we find that the petitioner could not have

invoked the provisions of this Act at all. The Act has a clear stipulation and when its provisions can apply and cannot apply. By Sections 3, 4 and 5, the mandate of the Act is outlined and it is only in terms of sub-section (2) of Section 3, which provisions are also subject to the provisions of sub-section (4) thereof, that the pregnancy can be terminated. The pregnancy may be terminated by a registered medical practitioner if he is of the opinion, formed in good faith, that the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury to her physical or mental health, or if there is a substantial risk that if the child were born, it would suffer from such physical or mental abnormalities as to be seriously handicapped. Then the Explanation is very clear and the case does not fall in Explanation-1. It does not fall within Explanation-2 as well, for there is no material in that regard.

4. Once the case does not fall within the four corners of the Act, then irrespective of whether the pregnancy has exceeded 20 weeks, this Court is not obliged to interfere.

5. As a result of the above discussion, the writ petition is devoid of any merits. It is dismissed.

(B.P. COLABAWALLA, J.)

(S.C. DHARMADHIKARI, J.)