

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

WRIT PETITION NO. 3788 OF 2019

Amod Laxmi Chaudhary

... Petitioner.

V/s.

The State of Maharashtra & Anr.

... Respondents.

Mr. Shashikant D. Chandak, Advocate a/with Kanchan S.Chandak & Deepam R.Morzaria for the Petitioner.

Dr. Mrs. K.R. Kulkarni, AGP for the Respondent - State.

CORAM : R.M. BORDE & N.J. JAMADAR, JJ.

DATE : JULY 23, 2019.

PC :

1 Not on Board. Mentioned. Taken on production Board in view of an urgency made out by the Petitioner.

2 The daughter of the Petitioner, as claimed by the Petitioner, is the victim of rape. It is informed that the victim was a minor girl at the time of the commission of the alleged offence. On the basis of the statement of the victim, first information report bearing no. 566 of 2019 has been recorded at Malwani Police

Station, Malad, Mumbai on 13th July, 2019 for commission of the offence punishable under sections 376, 417, 506 read with sections 6 and 8 of the POSCO Act. The daughter of the Petitioner requests for grant of permission to terminate pregnancy, which is carried by her as a result of physical abuse inflicted upon her by the accused against her wish.

3 In order to consider the request made by the Petitioner, it is desirable to refer the daughter of the petitioner for examination by the Medical Board constituted at Sir J.J. Group of Hospital and Grant Medical College, Mumbai. The Medical Board shall consists of (I) Professors and the Head of the Department Obstetrics & Gynecology, (ii) Professor and Head of the Department of Pediatrics and Pediatric Surgery, (iii) Professor and Head of the Department of Radiology and (iv) Professor and Head of Department of Psychiatry. It would be open for the Dean of the Medical College to associate any other expert to the Board.

4 The Petitioner undertakes that his daughter would appear before the Medical Board on 24th July, 2019.

5 The Medical Board shall examine the daughter of Petitioner and tender a report to this court through the Government Pleader's office by 26th July, 2019.

6 Place the petition on board on 26th July, 2019 for consideration.

7 Liberty to the Petitioner to correct the title of the petition.

8 The office shall register the petition, as civil writ petition.

(N.J. JAMADAR, J.)

(R.M. BORDE,J.)

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