

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

WRIT PETITION (St.) NO. 21229 OF 2019

Miss ABC

... Petitioner.

V/s.

Union of India & Ors.

... Respondents.

Mr. Vivek S. Tripathi, Advocate, a/with Digajman Mishra, Jyoti Pandey, Mangesh Bhende, Sunita Vishwakarma & Pramodkumar Pandya for the Petitioner.

Mr. P. S. Gujar, Advocate for Respondent No. 1- UOI.

Mr. Santosh Parad, Advocate for Respondent No. 4.

Mr. Y. S. Khochare, AGP for the - State.

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

DATE : AUGUST 07, 2019.

PC :

1 The Petitioner-girl claims to be the victim of offence of rape and the resultant pregnancy carried by her due to physical abuse is sought to be terminated. The Petitioner was referred for medical examination by the Board consisting of experts from Grant Govt. Medical College & Sir J.J. Group of Hospitals, Mumbai. The Medical Board has forwarded the opinion and the conclusions drawn in the report by the Committee are recorded below :

“After carefully taking history by Professor & HOD of Obstetrics & Gynaecology, Professor & HOD of Psychiatry, Professor & HOD of Paediatrics and Professor & HOD of Forensic and after studying the ultrasonography report done on 31st July, 2019 at Sir J.J.Group of Hospital, Mumbai, the Committee came to the opinion that there is no abnormality detected on sonography. The gestational age is 27 weeks and fetal weight is 826 gms.

This fetus is likely to survive after delivery but will be very premature. This baby after delivery will require intensive neonatal care unit admission. At present mother is not having any medical illness, her psychological evaluation also did not reveal any mental abnormality.

Therefore, Committee feels that it is better to deliver the baby at term. The mother can be hospitalized for social reasons.

Hon’ble Court can decide on termination of pregnancy.”

2 In view of the report tendered by the expert committee, it is not desirable to grant permission to the petitioner to terminate pregnancy at this gestational age. Apart from this, the learned counsel appearing for the Petitioner, on instructions, has orally informed that the Petitioner is desirous of continuing the pregnancy and that she would be maintaining

child. In view of the submissions made before us by the learned counsel for the Petitioner, no case is made out for granting the relief as requested in the petition.

3 The Petition is devoid of substance. Hence, it stands rejected.

4 In view of the rejection of the petition, pending civil application i.e. CA (st.) No. 22400 of 2019 do not survive and it stands disposed of.

(N.J. JAMADAR, J.)

(R.M. BORDE,J.)

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