

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6124 OF 2020

Kalpana Laxman Nathade

...Petitioner

Versus

The State of Maharashtra and another

... Respondents

Mr. Venjane Tukaram M., Advocate for the petitioner

Mr. S.S. Dande, A.G.P. for the respondents.

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 14th September, 2020

ORDER:

1. The petitioner seeks permission to terminate the pregnancy.
2. The petitioner was referred to the expert Committee at Government Medical College and Hospital, Latur. The expert Committee examined the petitioner No.1 and submitted the report. The report reads thus:

"13. Investigations done:

Sr.No.	Investigations Done	Key findings
1.	CBC	HB-11.6gm
2.	HIV, HBSAG	Non Reactive
3.	Blood Group	B Positive
4.	Liver and Kidney Function tests	Normal
5.	Obstetric USG (10.09.2020)	Single Live Intrauterine Pregnancy of 22 weeks 4 days +/- 1 week four days with single mid Sagittal Section of Fetal Spine cannot be obtained, this might be related to Kypho- Scoliotic deformity of fetal spine.

14. Additional findings and observations:

a) Record additional findings and observations here if any (Also include any risk to the health of girl/woman in case of continuation of pregnancy as well as termination)- She is Third Gravida patient with history of previous one Caesarian delivery and one abortion hence may need surgical method of termination of pregnancy, if medical methods fail.

15. Physical Fitness for termination:

a. Yes

16. Recommendation by medical Board for termination (choose one and provide any additional recommendations of the panel in the box below if any).

b) Recommended- (if yes please mention the methods)- Yes, Medical method, If medical methods fail, then surgical termination of pregnancy.

c) Not (if no, justification):

key recommendations of the panel (if any) with justification: The continuation of her pregnancy would involve grave injury to her mental health and there is substantial risk if the child were born it would suffer from such physical and mental abnormalities as to be seriously handicapped so please give permission to terminate the pregnancy."

3. The committee has opined that there is substantial risk to the fetus if born. The committee recommends termination of pregnancy of petitioner. The risk involved is explained to the petitioners and the relatives.

4. In light of the report, the petitioner is permitted to terminate the pregnancy at Government recognized centre.

5. Writ petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC