

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Writ Petition NO. 1008 OF 2020

“X” ...Petitioner

Versus

The State Of Maharashtra ...Respondent

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Mr. V.V. Purwant i/b. Divya V. Parab, Advocate for the Petitioner.

Smt. P.J. Gavhane, APP, for the Respondent – State.

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**CORAM : K.K. TATED &
SARANG V. KOTWAL, JJ.**

DATE : 27th FEBRUARY, 2020

PC. :

1. Not on board. Taken on board in view of urgency.
2. Permission is granted to convert Criminal Writ Petition into Civil Writ Petition. Office to number the matter as Civil Writ Petition.
3. To safeguard the interest of the Petitioner and since she is a victim of offence of rape, her name is not mentioned in the cause-title of this order.
4. The petitioner has approached this Court mainly with a prayer for permission to undergo medical termination of pregnancy at a medical facility of her choice. Though the offence

is registered at Wai Police Station, District – Satara, learned Counsel for the Petitioner states that at present she is residing at Palghar and is willing to undergo medical examination at Sir J.J. Group of Hospitals, Mumbai.

5. It is the case of the petitioner that she was a victim of an offence of rape for which C.R. No.0008/2020 is registered on 18.1.2020 at Wai Police Station, District – Satara for the offence punishable under Sections 376-D, 323, 504, 506 read with Section 34 of I.P.C.. As a result of this offence, the Petitioner has become pregnant. According to her, the incident had taken place on 24.7.2019. The pregnancy is a result of the same incident. She became aware of her pregnancy in August, 2019. Thus, as of today, she has crossed the statutory period of 20 weeks mentioned under the Medical Termination of Pregnancy Act, 1971.

6. The petitioner is seeking such permission because her pregnancy has exceeded the statutory period of 20 weeks prescribed under the Medical Termination of Pregnancy Act, 1971. After such statutory period is over, it is necessary to obtain permission from this court before the pregnancy is terminated. The

petitioner has relied on a few judgments of the Hon'ble Supreme Court.

7. Considering the law laid down in this behalf by the Hon'ble Supreme Court and different Division Benches of this Court, it is necessary to seek a report from the Medical Board constituted for this purpose at Sir J.J. Group of Hospitals, Mumbai, after her medical examination by the Board.

8. Hence, we pass the following order :

- i. The petitioner shall appear before the Medical Board constituted for this purpose in Sir J.J. Group of Hospitals, Mumbai, tomorrow i.e. on 28.2.2020 at 11.00 a.m.
- ii. The Medical Board shall examine the Petitioner and shall give its opinion in respect of the necessity to conduct the procedure for medical termination of pregnancy in consonance with the requirements of the Medical Termination of Pregnancy Act, 1971.
- iii. The Medical Board shall forward its opinion on or before 2:00 p.m. on 2.3.2020.

- iv. The learned A.P.P is directed to forward a copy of this order to the concerned Medical Board.
- v. Matter be placed on board on 02.03.2020 at 2:45 p.m. in Chambers.
- vi. The parties to act on an authenticated copy of this order.

(SARANG V. KOTWAL, J.)

(K.K. TATED, J.)

Deshmane (PS)