

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

WRIT PETITION NO.4297 OF 2021

X Y Z ... Petitioner
V/s.
Dean of B. J. Government Medical
College & Sassoon Hospital, Pune & Ors. ... Respondents

Mr.Bharat Gadhavi with Mr.Vishal Navale i/b Tejesh Dande & Associates
for the Petitioner.

Mr.A.B.Kadam AGP for the Respondent-State.

Ms.Shehnaz Bharucha for Respondent No.2.

**CORAM : UJJAL BHUYAN AND
MADHAV J. JAMDAR, JJ.**

DATE : 1ST SEPTEMBER, 2021

P.C:-

Heard Mr.Bharat Gadhavi, learned Counsel for the Petitioner,
Mr.A.B.Kadam, learned AGP for the Respondent-State and Ms.Shehnaz
Bharucha for Respondent No.2.

2. On 18.08.2021 we had passed the following order :

“2. Petitioner seeks medical termination of her pregnancy on the
ground that her pregnancy has occurred on account of the offence of
rape being committed on her. It is stated that the fetus is presently at
its 23rd week .

3. Having regard to the above, we direct the Dean of B.J. Government
Medical College and Sassoon Hospital, Pune to constitute a medical
board for examination of the petitioner and thereafter to submit a
report before this Court in sealed cover on or before the next date.

4. Stand over to 25.08.2021.”

3. Thereafter the following order was passed on 25.08.2021 :

“3. Today when the matter is called upon, Smt.Purav, learned AGP has placed before us report of the medical board dated 21.08.2021 which we have perused.

4. Relevant portion of the recommendation of the medical board reads as under:

“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. - There is associated risk in termination of pregnancy at this gestational age like failure of induction, bleeding and need of operative intervention and all these risks are explained to girl and her family. In view of advanced gestational age baby can be born alive and will require NICU admission. Counseling of girl & relatives done in this regard and they accept the risk of termination and NICU admission. Medicine reference advised 2D echo. 2D echo findings - WNL. Review medicine reference –ECG and 2D echo WNL- fitness for required surgery under required anaesthesia.”

5. Thus we find that medical board has recommended termination of pregnancy of the petitioner.

6. Having regard to the above, we grant liberty to the petitioner to undergo medical termination of pregnancy in B. J. Government Medical College and Sassoon General Hospital, Pune expeditiously.

7. We may also add that since the petitioner has alleged that her pregnancy is the outcome of rape committed upon her in connection with F.I.R. No.466 of 2021 registered with Manchar Police Station,

Pune Gramin under sections 376, 376(2)(l) and 376(2)(j) of the Indian Penal Code, 1860 read with sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, it is directed that while carrying out medical termination of pregnancy blood, DNA samples etc. necessary for criminal investigation may be preserved and thereafter handed over to the investigating authority as and when required.

8. Outcome of the procedure shall be informed to the Court on the next date.

9. Stand over to 01.09.2021.”

4. Today, when the matter is called upon, learned Counsel for the Petitioner has informed us that medical termination of pregnancy of the Petitioner was successfully carried out 30.08.2021.

5. That being the position, nothing survives in the Writ Petition. Writ Petition is accordingly disposed of.

[MADHAV JAMDAR, J.]

[UJJAL BHUYAN, J.]