

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4298 OF 2021

XYZ ... Petitioner
Vs.
Dean of B. J. Government Medical College
and Sassoon Hospital, Pune and others ... Respondents

Mr. Tejesh Dande a/w. Mr. Bharat Gadhavi and Mr. Vishal Navale i/b.
Tejesh Dande and Associates for Petitioner.
Smt. A. A. Purav, AGP for Respondent Nos.1 and 3-State.
Smt. Shehnaz V. Bharucha i/b. Mr. A. A. Ansari for Respondent No.2.

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

DATE : AUGUST 25, 2021

P.C. :

Heard Mr. Dande, learned counsel for the petitioner; Smt. Purav, learned AGP for respondent Nos.1 and 3-State; and Smt. Bharucha, learned counsel 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 in 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. Today when the matter is called upon, Smt. Purav, learned AGP has placed before us report of the medical board dated 23.08.2021 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.”

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

6. At this stage Mr. Dande submits on written instructions from the petitioner that the victim after due deliberation has decided not to go for medical termination of pregnancy and, therefore, she would like to withdraw the writ petition.

7. On going through the materials on record we find that the victim is a major of about 19 years of age and it appears that the accused and the victim are known to each other. We say only this and no more.

8. That being the position, we allow withdrawal of the writ petition.

9. Writ petition is disposed of as withdrawn.

(MADHAV J. JAMDAR, J.)

(UJJAL BHUYAN, J.)