

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5316 OF 2021

X Y Z

..Petitioner

Versus

State of Maharashtra and Ors.

..Respondents

Mr. Gautam Jain, Advocate for the Petitioner.

Mr. Ashwini A. Purav, AGP for Respondent Nos.1 & 4.

Mr. Ram Apte i/by Mr. Samrat Thakker, Advocate for Respondent Nos.2 & 3.

CORAM : UJJAL BHUYAN &
MADHAV J. JAMDAR, JJ.
DATE : 20th SEPTEMBER, 2021

P.C.

Heard Mr. Gautam Jain, learned counsel for the petitioner:
Ms. Ashwini Purav, learned AGP for respondent Nos.1 and 4 and Mr. Ram Apte, learned counsel for respondent Nos.2 and 3.

2. On 07.09.2021, we had passed the following order :-

“2. Petitioner seeks medical termination of her pregnancy on the ground that the same is a result of alleged rape and sexual assault relatable to C. R. No.253 of 2021 registered at Vartak Nagar Police Station, District Thane under section 376 of the Indian Penal Code, 1860 (IPC) r/w sections 4, 5, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO). It is stated that petitioner is a minor aged about thirteen years and is in her 23rd week of pregnancy. She is represented by her legal guardian, father.

3. Having heard learned counsel for the parties and on due consideration, we direct respondent No.4 i.e. Sir J. J. Group

of Hospitals and Grant Government Medical College, Mumbai to constitute a medical board to examine the petitioner. Petitioner accompanied by her legal guardian shall report before the medical board within 48 hours. Medical board to submit a report in sealed cover to the Court on or before the next date.

4. Stand over to 13.09.2021.”

3. Thereafter when the matter was taken up on 13.09.2021, the following order came to be passed :-

“3. Today, when the matter is called upon, learned AGP has placed before us a report of the Medical Board enclosed to letter dated 13/09/2021. We have perused the report. The report reads as under :

“After careful examination of the patient and study of the ultrasonography report and psychiatric evaluation the committee has come to the opinion that at present no abnormality is detected in the fetus and the pregnant minor mother. The victim is 14 yrs. Old and is anguished by the pregnancy.

Continuation of pregnancy in minor may lead to pregnancy related complications like anemia, pregnancy induced hypertension as interference. The continuation of pregnancy will have grave psychological impact on the pregnant minor’s mental health.

Since the pregnancy has advanced to 23.1 weeks, which is well beyond legal limit of termination of pregnancy i.e. 20 weeks, the termination of this pregnancy can be done only after the permission of Honourable High Court.

The Honourable High Court if permits the termination of this pregnancy then the same can be done in any institute that the minor and guardian choose.”

4. Having heard learned counsel for the parties and considering materials on record including the report of the Medical Board as extracted above, we grant liberty to the Petitioner to undergo medical termination of her pregnancy in Respondent No.4 hospital i.e. Sir J. J. Group of Hospital and Grant Government Medical College, Mumbai expeditiously.

5. Since pregnancy is related to alleged rape and sexual assault in connection with C. R. No.253 of 2021 registered with Varak Nagar Police Station, District Thane, we direct that blood and DNA samples of the pregnant mother and the fetus may be preserved for further investigation.

6. Having regard to the fact that the victim is a minor who is 14 years old and has suffered alleged rape and sexual assault, we direct District Legal Services Authority, Thane to provide a paralegal volunteer to aid and assist the victim.

7. Outcome of the procedure may be informed to this Court on the next date.

8. Stand over to 20th September, 2021.”

4. Today, when the matter is called upon, learned counsel for the petitioner has informed us that medical termination of pregnancy of the victim girl was successfully carried out on 18.09.2021.

5. In view of the statement made by learned counsel for the petitioner, we are of the view that no further order is called for in the present proceeding. Writ petition is accordingly disposed of.