

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 151 OF 2021

PETITIONER :- Vimal Ramdas Ramteke, aged 59 yrs,
occup. Labour R/o Village-Tulsi, Taluka,
Vadsa Desaijanj, district Gadchiroli,

...VERSUS...

RESPONDENTS :-

1. State of Maharashtra through the
Principal Secretary, Public Health
Department, Mantralaya, Mumbai.
2. Dean, Government Medical College,
District Nagpur.
3. Superintendent of Police Gadchiroli,
Police Colony, Police Quarter Gadchiroli.
4. State of Maharashtra
Through P. S.O. Desaijanj, Tah. Vadsa
Desaijanj, Dist. Gadchiroli.
5. Collector, Gadchiroli, Complex Road
Police Quarter, Gadchiroli, 442710.

Mr.N.T.Gwalwansh, counsel for the petitioner
Ms. H.N.Jaipurkar, APP for the respondents

CORAM : SUNIL B.SHUKRE &
AVINASH G. GHAROTE, JJ.

DATE : 12.02.2021.

ORAL JUDGMENT (Per :Sunil B.Shukre, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3. In order to maintain confidentiality of the parties involved and also the issue which has been raised here, we are not dwelling upon the peculiar circumstances of this case. Suffice to say it here that this is a case which involves conception of mentally retired minor girl resulting from the alleged forcible sexual intercourse with her. The pregnancy as reported on the date of filing of the petition is of twenty two weeks and nine days and since the development of the fetus has reached the stage which is beyond the permissible period within which medical termination of the pregnancy can be done according to law, this Court referred the question to the Committee constituted for this purpose. The Committee was requested to examine all the questions and submit it's report to this Court. Now the Committee has submitted it's

report to this Court. The report has been received confidentially and in the presence of the learned counsel for the petitioner and learned APP, we opened the envelope. We have perused the report. It is seen that the Committee has examined all the questions involved in this matter and gave its opinion to the effect *“patient’s medical termination of pregnancy should be done with the due high risk consent from the legal guardian”*.

4. The opinion is clear and it being of the experts Committee, we would accept it, especially when there is no other material placed before us to dis-agree with the opinion of the experts Committee.

5. In the result, we allow this petition in terms that the patient’s medical termination of pregnancy may be done at Government Medical College, Nagpur with the due high risk consent from the legal guardian and under the supervision of the experts in the field.

6. We also direct that the DNA of the fetus be

preserved, in sealed condition at a place where the appropriate facility for preservation exists, for the purposes of the investigation, if required for a period of one year from the date of the order.

7. We further direct that post medical termination of pregnancy treatment be appropriately made available, according to the rules at Government Medical College, Nagpur.

8. Copy of this order be sent to the Investigating Officer without any delay.

9. Steno copy of the order be made available to the learned counsel for the petitioners.

Rule is made absolute in these terms.

JUDGE

JUDGE