

03.01.2022.
Court No.13
Item No. 1
ap

**W.P.A. No. 20537 of 2021
(Through Video Conference)**

**Dipak Sharma & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Dev Kumar Sharma.

...For the petitioners.

Mrs. Chama Mookherji,
Ms. Paramita Pal.

...For the State.

The State has filed a report of the Medical Team.

It is opined that the foetus is twenty weeks and seven days old. It is also opined by the Medical Board that the victim is in a physical and mental condition for undergoing Medical Termination of Pregnancy. The report of the Superintendent, District Hospital at Howrah dated 30th December, 2021 is taken on record.

The petitioners are the parents of a victim offences under Section 376D of the Indian Penal Code. The petitioners are poor.

It is submitted by the Counsel for the petitioners as also averred in the writ petition that unless the pregnancy is terminated, the victim is likely to face ostracization apart from a serious financial distress. They cannot take care of the child if the foetus carried to term.

This Court, therefore, permits the victim girl to undergo Medical Termination of Pregnancy.

The District Hospital at Howrah shall conduct the Medical Termination of Pregnancy under the supervision of appropriate medical personnel as expeditiously as possible.

It is ordered that the foetus be preserved for the purpose of investigation and the trial in respect of the charges against the accused in the subject FIR.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)