

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1064 WRIT PETITION NO.9801 OF 2022

XYZ, REPRESENTED BY HER COUSIN BROTHER
PARSHURAM NAMDEV SONAWANE
VERSUS
THE STATE OF MAHARASHTRA, THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

....

Mr Rahul S. Pawar, Advocate for petitioner;
Mr P. S. Patil, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 23rd September, 2022

PER COURT:

1. Vide order dated 22/09/2022, the victim was directed to be examined by the Government Medical College at Jalgaon. A report pursuant to the examination was sought. We have received the report dated 23/09/2022 and the Committee of three Doctors, who have examined the victim, have suggested that the termination of pregnancy is possible and is advised. The report of the Committee, which is in 'Marathi', is taken on record and marked as 'X-1' for identification.

(2)

2. The learned Advocate for the petitioner submits that, the victim is presently in the Government Medical College, Jalgaon. The medical termination of pregnancy can be performed tomorrow.

3. In view of the above, this petition is disposed off, with the following directions :-

(a) Considering that the age of the foetus is 23 weeks, the Government Medical College, Jalgaon, shall perform the medical procedure for the termination of pregnancy on 24/09/2022 after 10.00 a.m.

(b) Respondent No.3 - Investigation Officer or his authorized representative would remain present in the Government Medical College, Jalgaon, tomorrow i.e. on 24/09/2022 from 10.00 a.m. and with the assistance of the Doctors, he would collect the sample, preserve it in the kit, as is prescribed and refer the same to the concerned Forensic Laboratory for D.N.A. Test.

(3)

(c) The petitioner, who is a cousin brother of the victim, would undertake that, if there is any unexpected event during the medical procedure, he or the victim or her relatives would not hold the medical/paramedical staff, etc., responsible.

4. This order is passed in the light of the fact that, the petitioner, cousin brother of the victim as well as the victim and her mother are apprised of the risk involved and on their consent this order has been passed.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

sjk