

Dusane

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4846 OF 2022***

Ms. X	...Petitioner
Versus	
The State of Maharashtra & Anr.	...Respondents

Ms. Rebecca Gonsalvez for the Petitioner.

Mr. P.P. Kakade, G.P a/w Ms. S.D. Vyas, 'B' Panel Counsel for the Respondent No.1 –State.

BHALCHANDRA
GOPAL
DUSANE

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**CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.
DATED : 29th APRIL 2022**

P.C. :

1. By this Petition, the petitioner, a 14 year old sexual assault survivor, sought termination of her pregnancy of 25 weeks.
2. Pursuant to our order dated 20th April 2022, the petitioner was examined by the Medical Board and a report was submitted to this Court on 21st April, 2022.
3. After perusing the report, we permitted the petitioner to terminate her pregnancy, having regard to the petitioner's age, the fact, that the pregnancy

was a result of sexual assault; and that continuation of the pregnancy would cause grave injury to the physical and mental health of the petitioner. Accordingly, the petitioner's pregnancy was terminated on 23rd April 2022 and the petitioner was discharged from the hospital after the said procedure.

4. The petitioner is a minor, aged 14 years, a survivor of sexual assault. The petitioner was studying in standard 9th, when she was sexually assaulted by her neighbour, resulting in her becoming pregnant. The petitioner belongs to the lower socio-economic strata of the society. Her father is a rickshaw driver. The petitioner is the youngest amongst the four siblings of her parents. The petitioner has suffered emotionally physically and mentally, due to the said sexual assault.

5. Learned counsel for the petitioner states that due to the said sexual assault, not only the petitioner but even her family has suffered a great deal, both mentally, emotionally and financially. She submits that the petitioner's father was unable to work for some time. Learned counsel seeks interim compensation.

6. Learned counsel for the petitioner submits that the petitioner is entitled to compensation both under the Manodhairya Scheme, as well as,

under Rule 9 of the Protection of Children from Sexual Offences Rules, 2020, however, the grant of compensation under the same, may take some time. Learned counsel for the petitioner hence submits, that some adhoc compensation be granted to the petitioner.

7. Having regard to the peculiar facts of the case, we deem it appropriate to pass the following order:

ORDER

(i) The Respondent No.1-State to immediately place on record the F.I.R., medical report and other papers including the statement of minor-girl recorded under Section 161 as well as 164 Code of Criminal Procedure before the District Legal Services Authority (DLSA), for payment of compensation to the petitioner, under the Government Resolution (GR) dated 1st August, 2017, i.e. Manodhairya Scheme.

(ii) On receipt of the papers, DLSA is directed to immediately process the said papers for payment of compensation to the petitioner, as contemplated under the said Scheme. DLSA to ensure that the said payments are made at the earliest and as expeditiously as possible.

(iii) The petitioner is also at liberty to apply before the learned Special Judge under Rule 9 of the POCSO Rules. It is also open for the learned

Special Judge to decide the interim compensation on his own motion, under the said Rules. If such an application is made or if the learned Special Judge deems it appropriate, the learned Judge to consider granting interim compensation under Rule 9 of the POCSO Rules, as expeditiously as possible.

(iv) We also direct the State Government to deposit an amount of Rs.50,000/- (Rupees Fifty Thousand only) in the petitioner's account. The details of the bank account of the petitioner be furnished forthwith by the learned counsel for the petitioner to the learned Government Pleader, so that the said amount can be disbursed expeditiously and in any event within ten days from today.

8. Needless to state that, the Authorities/Special Judge shall bear in mind, the compensation awarded under the various schemes to the petitioner, whilst considering grant of interim/final compensation.

9. With these directions, the petition stands dismissed.

10. All concerned to act on the authenticated copy of this order.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.