

AD-19
Ct No.09
16.10.2023
TN

WPA No. 24941 of 2023

Mr. X
Vs.
The State of West Bengal and others

Mr. Navanil De,
Mr. Aranya Saha,
Ms. Monami Mukherjee

.... for the petitioner

Mr. T.M. Siddique,
Mr. Tanoy Chakraborty

.... for the State

- 1.** Affidavit-of-service filed today be kept on record.
- 2.** The present case pertains to an unfortunate victim of rape and sexual abuse. The petitioner, being the survivor, is merely 14 years of age and has become pregnant due to the aforesaid sexual abuse.
- 3.** The petitioner, thus, seeks to have an abortion in view of the trauma which is being suffered by the petitioner and would be suffered in the event she goes ahead with the pregnancy.
- 4.** The petitioner is pregnant for about four months, that is, around 16 weeks as of now.
- 5.** Keeping in view the trauma which is being undergone by the 14 years old survivor and the further adverse consequences which the

petitioner shall face, both physically and mentally, in the event the pregnancy goes ahead, WPA No. 24941 of 2023 is disposed of by directing the respondent no.1-State to immediately form a Medical Board in consonance with the provisions of the Medical Termination of Pregnancy Act, 1971 within a fortnight from date. The said Committee shall, within a further week thereafter, thoroughly check up the petitioner and come to a conclusion as to whether a procedure for medical termination of pregnancy is possible to terminate the pregnancy of the petitioner.

6. Upon taking such decision, appropriate steps for such medical termination shall be taken, if necessary admitting the petitioner in any recognized State Hospital having the facility to terminate the pregnancy and to take care of the petitioner. Such procedure shall positively be completed within a week after coming to such conclusion.
7. It is made clear that in the event, despite all steps being taken by the respondents, the foetus takes birth, it will be open to the respondents to take appropriate steps for placing the new-born in adoption, upon following due procedure of law,

subject to due formalities in that regard being complied with.

- 8.** There will be no order as to costs.
- 9.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)