

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO.14947 OF 2023

ABC

Father of Miss XYZ

...Petitioner

Versus

State of Maharashtra and Anr.

...Respondents

Mr. Ajinkya M. Udane, for the Petitioner.

Ms. M. P. Thakur, A.G.P for the Respondent No.1 – State.

Ms. Purnima Awasthi, for the Respondent No.2 – UOI.

***CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.***

DATE : 5th DECEMBER 2023

P.C. :

1. By this petition, the petitioner – father seeks termination of pregnancy of 26 weeks and 5 days of his daughter, aged 14 years, who is a victim of sexual assault.

2. Vide order dated 1st December 2023, we had directed the Dean, Sir J.J. Hospital, Mumbai, to constitute a Medical Board, in terms of the Medical Termination of Pregnancy (Amendment) Act, 2021 r/w the Medical Termination of Pregnancy Act, 1971, for

examination of the petitioner's daughter and accordingly submit a report to this Court.

3. Today, the learned AGP has tendered a report of the said Committee constituted by the Dean, Sir J.J. Hospital, Mumbai, in a sealed envelope. We have opened the envelope. Since in para 5, second column, the sentence was incomplete, the learned AGP was directed to furnish a fresh report. Accordingly, a photocopy of a fresh report has been submitted by the learned AGP. The same is taken on record.

4. From the report, it appears that the petitioner's daughter aged 14 years, a victim of sexual assault, is fit for undergoing termination of pregnancy. We have also interacted with Dr. Sandeep Pophale, Associate Professor, Department of Obstetrics and Gynaecology, Sir J.J. Group of Hospitals, Mumbai. He reiterates what is stated in the Medical Report.

5. Learned counsel for the petitioner states that the petitioner's daughter is already admitted in Sir J.J. Hospital, Mumbai and would like to get the termination of pregnancy of his daughter done in Sir J.J. Hospital, Mumbai.

6. Accordingly, having regard to the report submitted by the Medical Board, we permit the termination of pregnancy.

7. Petition is accordingly disposed of.

8. Stand over to **14th December 2023**. To be placed under the caption 'For Direction'.

9. Learned AGP to place on record a report, as to the status of the child so born, so as to enable us to pass appropriate orders thereon.

10. Needless to state, that the learned AGP to take steps to ensure that Manodhairya Scheme is made available to the petitioner. Learned AGP to inform us, as to how compensation will be disbursed to the petitioner, on the next date.

All concerned to act on the authenticated copy of this order

GAURI GODSE, J.

REVATI MOHITE DERE, J.