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

WRIT PETITION NO. 15461 OF 2023

XYZ

... Petitioner

vs.

The State of Maharashtra through the
Principal Secretary

... Respondents

Ms. Dhruiti Kapadia, for the Petitioner.

Mrs M.P. Thakur, A.G.P for the State.

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

DATED : 12th DECEMBER, 2023

P.C. :-

1. By this petition, the petitioner seeks medical termination of the pregnancy of his minor daughter, aged 17 years, who is 26 weeks and 9 days pregnant.

2. Vide order dated 8th December 2023, we directed the Civil Hospital, Satara to constitute a Medical Board in terms of the Medical Termination of Pregnancy (Amendment) Act, 2021 r/w Medical Termination of Pregnancy Act, 1971. Since, we were

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informed that the petitioner's daughter was already admitted in the Civil Hospital, Satara, we directed the Medical Board to examine the petitioner's daughter on 9th December 2023 and accordingly, submit a report to this Court today at 10.30 a.m.

3. Pursuant to our order dated 8th December 2023, the Medical Board has submitted its report in a sealed envelope. The sealed envelope is opened. In the said report dated 9th December 2023, the Committee has opined that the patient is fit to undergo medical termination of pregnancy from obstetrics pediatric and psychiatric point of view, the patient being a minor, unmarried primi gravida, a victim of sexual assault. The Committee has opined that the pregnancy can be terminated in any tertiary centre as desired by the patient. It is further stated that the pregnancy can be terminated by vaginal delivery and there is no harm for her future pregnancy due to this delivery. The said report is taken on record.

4. Considering the opinion of the Medical Board and the fact, that the petitioner's daughter is a minor and a victim of sexual assault, we permit, petitioner's daughter to undergo termination

of pregnancy in the Government hospital, that she desires.

5. At this stage, learned counsel for the petitioner on instructions states that the petitioner is desirous of getting his daughter's pregnancy terminated at Civil Hospital, Satara. The Civil Hospital, Satara to take steps accordingly.

6. We direct the State Government to make available compensation to the petitioner/his daughter as mandated under the Manodhairya Scheme as expeditiously as possible.

7. Learned AGP to inform the concerned authorities of the order passed today, so as to enable her to place on record the steps taken with respect to compensation to be awarded to the petitioner's daughter under the Manodhairya Scheme.

8. The petition stands disposed of in the aforesaid terms.

9. Stand over to **21st December 2023**. Matter to be listed for recording compliance. Learned AGP to inform us the status of the petitioner's daughter pregnancy, the status of the child born therefrom, and the steps taken by the Government to award

compensation to the petitioner's daughter under the Manodhairya Scheme.

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

(GAURI GODSE, J.)

(REVATI MOHITE DERE, J.)