



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.7427 of 2023

Ku. Divya D/o Vinod Wasekar, being minor, through her natural Guardian Father and mother namely Vinod Wasekar and Smt. Pournima Vinod Wasekar **Versus** Union of India and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.

Court's or Judge's order

Ms Soniya Gajbhiye, Counsel (Appointed) for Petitioner.
Shri N.S. Deshpande, Deputy Solicitor General for Respondent No.1.
Ms Deepali Sapkal, Assistant Government Pleader for Respondent No.2.

CORAM : A. S. CHANDURKAR AND ABHAY J. MANTRI, JJ.

DATE : 3rd NOVEMBER, 2023.

1. **Rule.** Rule made returnable forthwith and heard the learned counsel for the parties.
2. The petitioner, a minor, through her father, has filed the present proceedings seeking constitution of the Medical Board for her examination and permission to terminate her pregnancy. According to the petitioner, she was subjected to an immoral act at the behest of the accused, on the basis of which an offence under Section 376(2)(n) of the Indian Penal Code read with Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 came to be registered against the accused. The petitioner has placed various documents on record including the medical report dated 17-10-2023 to indicate that it would not be feasible to continue the pregnancy especially when she is a minor who was subjected to rape.
3. On 31-10-2023, a direction was issued to the petitioner to appear before the Medical Board, Civil Hospital, Wardha for her examination. Today, the learned Assistant Government Pleader for the respondent No.2 has tendered a copy of the medical report duly signed by the Civil Surgeon, General Hospital, Wardha. The same is taken on record and marked 'A' for identification. As per this report, the petitioner's age is indicated as 17 years and she is carrying 26 weeks' pregnancy. An unanimous opinion has been expressed that continuation of the pregnancy would result in injury to the mental and physical health of the petitioner. It has been recommended that the petitioner is

physically fit to have the pregnancy terminated and the same has been accordingly recommended.

4. In the light of the said medical report, which indicates that the termination of the pregnancy has been advised, we are inclined to accept the said report of the Medical Board. Accordingly, the following order is passed :

(i) The petitioner is permitted to terminate her pregnancy under the medical supervision in terms of the report of the Civil Surgeon, General Hospital, Wardha.

(ii) The petitioner to take appropriate steps in that regard.

5. The fees of the learned counsel (Appointed) to represent the petitioner be paid in accordance with the rules.

6. Rule is made absolute in above terms. No costs.

7. Authenticated copy of this order be supplied to the learned counsel for the parties.

(ABHAY J. MANTRI, J.)

(A. S. CHANDURKAR, J.)