

AD-04
Ct No.09
20.05.2024
TN

WPA No. 12748 of 2024

Y (Victim girl), represented by her mother X
Vs.
The State of West Bengal and others

Mr. Niladri Sekhar Ghosh,
Mr. Mujibar Ali Naskar

.... for the petitioner

Ms. Noelle Banerjee,
Ms. Kalpita Paul

.... for the State

1. A report is filed in court which is kept on record.
2. It transpires therefrom that upon thorough examination by a Board of competent doctors of the SSKM Hospital, it was found that the pregnancy of the petitioner, who is but a minor of about twelve years, was approximately of 20 weeks.
3. Although there was no direction of the court to that effect, the Board decided and conducted the medical termination procedure with the consent of the parents of the minor child keeping in view her condition and the advanced stage of pregnancy.
4. Although it would be appreciated if the Board waited for an order of the court before carrying out the process of termination of pregnancy, since there is no legal bar in doing so, no exception is being taken, particularly since the procedure was done for the welfare of the minor petitioner.

5. Since the procedure has already been conducted, nothing remains in the present writ petition.
6. Accordingly, WPA No. 12748 of 2024 is disposed of by directing the authorities of the SSKM Hospital, upon completion of the necessary period during which the petitioner is required to be kept under observation, to hand over the custody of the petitioner back to her mother.
7. The parties shall act on the server copy of this order.
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.)