



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 WRIT PETITION NO. 162 OF 2024

XYZ

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER

...

Mr. Mohit R. Malpani, Advocate for the Petitioner
Mr. P. K. Lakhotiya, AGP for Respondents

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 5th January, 2024

ORDER:

1. On 4th January, 2024, this Court had passed the following order:

"1. Not on the Board. Mentioned. Taken on the Production Board.

2. We have perused the First Information Report. The Petitioner/ Complainant and the purported accused voluntarily lived together and the Petitioner conceived. Presently, she appears to be in the 24th week of gestational period. By this petition, the Petitioner prays for permission to terminate the pregnancy.

3. We permit the Petitioner, accompanied by one of her parents, preferably her mother, to approach Respondent No.2 at 03:00 PM today at Nanded for a medical examination.

4. The Medical Board of Respondent No.2/ Government Medical College and Hospital at Nanded, would express an opinion as to whether, the foetus has a normal growth and whether, the termination of pregnancy can be permitted. The Medical Board shall express a clear opinion as to whether, the foetus is carrying a beating heart. Let such report be transmitted by email to the office of the Government Pleader, High Court of Bombay, Bench at Aurangabad, in order to be placed before us tomorrow (05.01.2024).

5. Stand over to 05.01.2024 (tomorrow) in the passing orders category."

2. Today, the learned AGP has placed, the report of the Medical Board comprising 6 Senior Professors and HOD of various departments, dated 05.01.2024. The relevant portion of the medical report reads as under:-

" USG (24/12/23) : Single live intrauterine pregnancy of 25.1 weeks GA, variable presentation with liquor adequate with placenta anterior forming with 8.12 grams with no any obvious anomaly detected on present scan.

Opinion of expert committee regarding MTP:

The examinee Tamanna Kasis Parvez Beg is under guardianship of Parvez Beg and is physically and mentally fit to undergo Medical Termination of Pregnancy. She has been examined thoroughly by expert committee and opinion that the patient is fit for termination of pregnancy on the humanitarian grounds. Termination might be by vaginal

route or by casesarean section. As she has completed 25.2 weeks, there are chances of live birth of baby, but chances of survival is minimal."

3. It is, therefore, apparent from the report that though the termination of pregnancy is possible, there are chances of a live birth of a baby, though chances of survival are minimal.

4. Having considered the above situation and in the light of orders passed by this Court dated 20.06.2023 in Writ Petition No. 6340 of 2023, order dated 26th July, 2023 in Writ Petition NO. 8584 of 2023 and order dated 29.08.2023 in Writ Petition No.10704/2023, the learned Advocate for the Petitioner sought a pass over to take instructions.

5. After the matter was called out, the learned Advocate submits on instructions that the parents of the Petitioner are willing to take care of the Petitioner during the period leading to the delivery of a child. She would be residing in her parents home and they do not desire any assistance from any shelter home.

6. In view of the above, **this Petition is disposed off.**

7. However, we record that if the Petitioner requires any medical assistance, including any counseling or psychological or medical assistance, the 2nd Respondent - S.G. Government Medical College and

Hospital, Vishnupuri, Nanded would render adequate assistance on all counts during the period of pregnancy and until the child is delivered, free of costs, even if any medical intervention/procedure is required, if the Petitioner approaches the said institution for such medical assistance.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan