



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO. 5782 OF 2024

A THROUGH THE GUARDIAN FATHER B
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

...
Advocate for the Petitioner : Mr. Avinash D. Hande
AGP for Respondent Nos.1 to 3/State : Ms. Neha Kamble
...

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

DATE : 20.06.2024

PER COURT :

1. Pursuant to our order dated 18.06.2024, the learned AGP has placed before us a compilation of documents consisting of the Medical Board Report received from the Government Medical College, Nandurbar with the covering letter dated 19.06.2024 addressed to the learned Government Pleader (07 pages). The said compilation is marked as 'X-1' for identification. The report of the Medical Board dated 19.06.2024 indicates that a live child with a beating heart is likely to be born. Since no other view was expressed, we requested the learned AGP, in the first session when this matter was called out, to contact the Dean of the Government Medical College and Hospital, Nandurbar and

submit a report as to the risk factors involved either while terminating the pregnancy or for continuing with the pregnancy keeping in view that the intrauterine pregnancy was of 27 weeks and one day.

2. When the matter was called out after lunch recess, the learned AGP has placed before us the additional report dated 20.06.2024, issued by the Medical Board. The same is marked as '**X-2**' for identification. The report contains the following opinion :-

- (a) The victim is 13 years of age and is diagnosed with *sickle cell disease*.
- (b) The health of the victim is at risk due to the foetus in the womb.
- (c) The victim is anaemic and the foetus is likely to have sickle cell disease or trait.
- (d) Continuing with the pregnancy or terminating the pregnancy is a risk to the health of the victim.

3. It is suggested that, for medical termination of pregnancy, a termination USG machine is required and Level III PCPNDT registered center will be required. However, the Government Medical College, Nandurbar is not registered for level III PCPNDT. It is opined that the baby should not be born live.

4. The learned AGP submits, on instructions from the Dean of the Government Medical College and Hospital, Aurangabad, that it is the

Level III PCPNDT registered center and the termination on the USG Machine facility is available at Aurangabad. The Dean has assured that necessary permission of the Municipal Corporation, which is required, will be taken. The learned AGP, therefore, submits that the victim will have to be admitted in the Government Medical College and Hospital at Aurangabad.

5. The biological guardian of the victim is agreeable to have the victim admitted for such facility at Aurangabad, tomorrow. The mother of the victim would accompany her.

6. We, therefore, direct that the victim be admitted in the Government Medical College and Hospital, Aurangabad without disclosing her identity. Her mother will complete the hospitalization formalities. The procedure prescribed for the medical termination of the pregnancy shall be adopted by the Government Medical College and Hospital at Aurangabad.

7. The Dean of the Government Medical College and Hospital at Aurangabad would intimate this aspect to the concerned police authorities for the purposes of preserving a sample for DNA Test since the victim is a minor and the criminal offence will have to be tried

before the competent Court for which the DNA sample would be necessary for DNA test.

8. With the above directions, **this Writ Petition is disposed off.**

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

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