

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

CIVIL WRIT PETITION NO. 6775 OF 2024

XYZ

... Petitioner

Versus

The Dean of B.J. Government Medical
College & Ors.

... Respondents

Ms. Trushna Shah with Mr. Abhijit B. Kadam i/b Tejesh Dande
and Associates for the Petitioner

Ms. M. P. Thakur, A.G.P for the Respondent No.1-State

Ms. Purnima Awasthi for the Respondent No. 2-UOI

*CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.
THURSDAY, 9th MAY 2024*

P.C :

1 By this petition, the petitioner–father seeks
termination of pregnancy of 28 weeks, of his daughter, a victim
of sexual assault.

2 On the last date, considering the urgency, we directed the B. J. Government Medical College and Sassoon Hospital, Pune, to constitute a Medical Board in terms of the Medical Termination of Pregnancy (Amendment) Act, 2021 r/w the Medical Termination of Pregnancy Act, 1971, to examine the petitioner's daughter and submit a report before us today.

3 Accordingly, the Medical Board of the Sassoon Hospital has submitted a report in a sealed envelope. We have opened the said envelope. The Medical Board in its report dated 8th May 2024 has observed that the victim girl is fit for medical termination. They have also stated that the patient i.e. the victim girl is in psychological distress and continuation of pregnancy will be detrimental to her mental health. Admittedly, the victim girl is a victim of sexual assault. An FIR has also been lodged against the person responsible for the said sexual assault.

4 Considering that the petitioner's daughter is a victim of sexual assault and having regard to the report of the Medical Board, that if the pregnancy is continued, the same will be detrimental to the mental health of the victim and that even presently, the victim is under psychological distress, we allow the petition and as such, permit the doctors of Sassoon Hospital to terminate the medical pregnancy of the petitioner's daughter. If the child is born alive, the same to be kept in the NICU. The counsellors i.e. Psychiatrist/Psychologist to counsel the petitioner's daughter and ensure that she is in a proper condition before she is discharged from the Hospital.

5 Needless to state that the whilst carrying out the procedure, the necessary blood and tissue samples be preserved, so that the same can be sent to the police investigating the said case.

6 As far as the Manodhairya Scheme is concerned,
learned A.G.P to inform us on the next date, the steps taken to
award compensation to the victim girl under the said Scheme.

7 Stand over to **12th June 2024.**

8 All concerned to act on the authenticated copy of this
order.

MANJUSHA DESHPANDE, J. REVATI MOHITE DERE, J.