

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 11754 OF 2024

Ms. XYZ

.....Petitioner

Vs.

The State Of Maharashtra
Through the Principal Secretary,
Public Health Department,
Mantralay, Mumbai-400 023.

.....Respondent

Mr. Sheikh M. Anees a/w Ms. Naziya Bhaldar for the Petitioner.
Mrs. M. P. Thakur, A.G.P for the Respondent-State.

CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.
DATE : 20th AUGUST 2024.

P.C.:-

- 1) The Petitioner, a minor of 14 years of age, is in the 26th week of pregnancy, being a victim of child abuse. There is a F.I.R. filed against the accused in the said crime. She seeks permission for medical termination of the fetus.
- 2) The Petitioner is presently admitted in Ward No. 29, Gynaec OPD in Sir J.J. Group of Hospitals and Grant Medical College, Byculla, Mumbai.
- 3) Having regard to these circumstances, we request the

Authorities of J.J. Group of Hospitals and Grant Medical College, Mumbai to constitute a Medical Board in terms of the Medical Termination of Pregnancy (Amendment) Act, 2021 (MTP Act) as prescribed by Section 3(2D) of the Act, to examine the Petitioner.

4) The Petitioner will present herself before the Medical Superintendent of the Hospital on 21st August 2024 at 11.00 a.m. We request the Board to submit the copy of report to this Court at the earliest considering the urgency and latest by 23rd August 2024. The Board is required to certify whether the Petitioner is fit to undergo the procedure. We would request that a clinical psychologist be appointed in the Medical Board to evaluate the Petitioner's mental health.

5) All concerned parties will act on the production of the authenticated copy of this Order.

6) List the Petition on 23rd August 2024 at 2:30 p.m. for further directions.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)

GITALAXMI
KRISHNA
KOTAWADEKAR

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