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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2794 OF 2024

XYZ & Anr.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Ms. Manisha Devkar, for the Petitioners.

Smt. Anamika Malhotra, Addl.PP, for Respondent No.1-State.

CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.
DATE : 1st JULY, 2024.

PC:-

- 1) The Petitioner No.1 is a married adult and the Petitioner No.2 is her husband. The Petitioner No.1 is over 24 weeks in her pregnancy.
- 2) During her pregnancy, she was diagnosed with *CA tail of pancreas with multiple liver metastasis* and the doctors have found her unfit for prognostic palliative Chemotherapy for the poor prognostic metastatic CA pancreas on account of her pregnancy.
- 3) The Petitioners have placed on record a letter dated 26th June 2024 of Dr. Aniket Baraskar of the Tata Memorial Centre addressed to the OBGY, KEM/Wadia Hospital, Mumbai with a request to evaluate the Petitioner No.1 and consider the patient for medical termination of

pregnancy as the general conditions do not allow Chemotherapy. It is only after termination of pregnancy that they can go ahead with USG guided liver Bx and plan for her palliative management.

4) Ms. Manisha Devkar, learned Counsel for the Petitioners states that, the Petitioner No.1 is in much amount of pain and continuing the pregnancy poses a risk to her life. We requested Ms. Anamika Malhotra, learned APP to verify the letter of Dr. Baraskar. She immediately telephoned Dr. Baraskar and confirmed the contents of his letter. We have also perused the radiology report issued by the Tata Memorial Centre, Mumbai.

5) The aforesaid fact clearly place the Petitioner's case within the meaning of Explanation-1 to Section 3(2) of the Medical Termination of Pregnancy (Amendment) Act, 2021.

6) Having regard to these circumstances, we require the authorities at the K.E.M. Hospital, Mumbai to constitute a Medical Board as prescribed by Section 3(2D) of the M.T.P. Act to examine the Petitioner and ascertain as to whether the Petitioner No.1 is fit to undergo termination of her pregnancy.

7) The Petitioner will be present before the board from 9.30 am tomorrow, i.e., 2nd July 2024. We request the Board to submit its Report by tomorrow evening or latest by 3rd July 2024 considering the urgency in the matter. The Report shall also reflect the effect of the pregnancy on the

Petitioner's physical and mental health after taking into consideration her actual and reasonably foreseeable environment.

- 8) List the Petition first on board on 3rd July 2024.
- 9) All concerned will act on production of a digitally signed

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)