



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3169/2024

(Smt. Priyanka W/o Santosh Kainkaryamwar Vs. State of Maharashtra and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. S.H. Bhatia, Counsel for the petitioner (appointed).
Ms. Mrunal Naik, A.G.P. for respondent Nos.1 and 2.

CORAM: MRS.VRUSHALI V. JOSHI, J.
DATED : 17.5.2024.

Heard.

2. The petitioner has filed this petition for grant of permission to terminate the pregnancy of 22 weeks.

3. Direction was given by this Court vide order dated 14.5.2024 to the Government Medical College, Chandrapur to submit its report by examining the petitioner. Today the report is made available before this Court.

4. This is a case where the petitioner is coming before this Court for termination of pregnancy by making allegations of rape against her husband. The marriage was performed. She has one son out of said wedlock and thereafter one abortion was also there. It is for the third time she is pregnant. Then she came to know that her husband has deceived her and, therefore, she made allegations of rape against her husband and came before this Court for termination of pregnancy.

5. Notices were issued and directions were given to submit the report. As per the report, there is risk and possibility of a live baby is there, which reads as follows:-

“

.....

Having regard to the advanced stage of pregnancy there is increased risk of complication (Other than the usual danger which arises in even Spontaneous delivery at the end of full term) if the pregnant mother is permitted to terminate her pregnancy at this stage go 22 weeks of gestation.

MTP would be best done by medical method like Tablets Mifepristone or intracervical foleys followed by augmentation with either Oxytocin or tablet misoprostol. In case of failure of medical method, hysterotomy may be required. The possibility of bay born alive couldn't be ruled out.”

6. The contents of report explained to petitioner and kept the matter after some time.

7. The learned Counsel for the petitioner has submitted that when the petitioner went to the Government Hospital for terminating the pregnancy on 29.3.2024, at that time, pregnancy was of about 14 to 16 weeks but she was not entertained by the hospital. There was no response from hospital in time. Considering the report petitioner has changed her mind and submitted that she is willing to continue the pregnancy. As the petitioner is ready to continue the pregnancy, the petition stands disposed of.

8. The petitioner is present before the Court.
9. The fees of the learned appointed Counsel be paid as per Rules.

(MRS.VRUSHALI V.JOSHI, J.)

Tambaskar.