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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 24.06.2024

+ W.P.(CRL) 1899/2024

MINOR P (THR. FATHER N)

..... Petitioner

Through: Ms. Prachi Nirwan, Mr. Devesh Khanagwal, Advocates for Mr. Anwesh Madhukar, Advocate along with petitioner and her father in person (M:9811811712)

versus

STATE & ANR.

..... Respondents

Through: Mr. Alok Sharma, Advocate for Mr. Yasir Rauf Ansari, ASC (Criminal) for R-1 (M:7060678494)
SI Aarushi, PS-Pur Prahladpur (M:7982158394)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL)

1. The present petition has been filed for directions to respondent nos. 1 and 2 to Medically Terminate the Pregnancy of the petitioner.
2. It is submitted that the petitioner is a 16 years old rape victim and is currently having gestation period of 26-28 weeks.
3. Notice in the present matter was issued on 21st June, 2024, wherein, directions had been issued to the Director, AIIMS to constitute a Medical Board for medical examination of the petitioner as provided in Medical Termination of Pregnancy Act, 1971 ("MTP Act").
4. Today, learned counsel for respondents submits that the Medical



Board was constituted today itself, and the petitioner was examined. He has handed over a copy of the report of the Medical Board dated 24th June, 2024, which is taken on record. The report of the Medical Board, states as follows:

“xxx xxx xxx

Justification for the decision: *At the current gestation and weight, the baby has moderate chances of survival at any tertiary care newborn unit. The baby will require prolonged NICU stay. The baby at present does not have any malformations as detectable on Ultrasonography. At this gestation as baby is viable. There are high chances of prematurity complications which may have both short and long term consequences. The chances of morbidity free survival will be minimal if delivery happens at term gestation; hence termination is not justified.*

xxx xxx xxx”

5. Perusal of the Medical Board’s Report categorically shows that there are moderate chances of survival of the baby. Further, there are high chances of premature complications which may have both long and short term consequences. Thus, it has been stated that termination of pregnancy is not justified.

6. At this stage, learned counsel for petitioner submits that in view of the aforesaid report, the petitioner is agreeable to deliver the baby in AIIMS, so that the baby can be given up for adoption, post delivery.

7. In view of the aforesaid and considering the financial background of the petitioner, with a view to safeguard the mental and physical welfare of the petitioner, it is directed that the petitioner shall be admitted to AIIMS forthwith and continue to be admitted there, till she delivers the child at AIIMS.

8. It is further directed that the mental and physical welfare of the petitioner shall be taken care of by AIIMS and she shall be provided nutritious food, and other Pre-natal Care Facilities. Further, if need be,



counseling shall also be provided regularly to the petitioner in order to protect her mental health.

9. At this stage, learned counsel for the petitioner submits that, since the petitioner is a rape victim and prosecution in this regard is going on, it would be imperative that DNA sample of the child may be secured and preserved, so that the same can be used at the time of prosecution.

10. Considering the aforesaid submission, it is directed that at the time of delivery of the child, requisite procedures shall be carried out by the doctors to preserve the DNA of the child, in terms of the medical procedure and law.

11. It is further directed that all expenses for the stay, food and other related treatment of the petitioner at AIIMS, and delivery, shall be borne by the State.

12. With the aforesaid directions, the present petition is disposed of.

**MINI PUSHKARNA
(VACATION JUDGE)**

JUNE 24, 2024/au