



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4336 OF 2025

XYZ -Vs- State of Maharashtra and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms.Sweeti Bhatia, counsel for the petitioner
Mr.D.V.Chauhan Government Pleader a/b Ms.Kalyani Marpakwar,
A.G.P for respondent-State.

**CORAM : ANIL S. KILOR &
MRS.VRUSHALI V. JOSHI, JJ.**

DATE : 11th August, 2025

1. Heard.
2. The petitioner is 21 years old girl. She is deaf and dumb and victim of sexual assault. A criminal complaint was also lodged with the Police Station, Borgaonmanju on 30.07.2025 vide Crime No. 265 of 2025 against an accused for the offence punishable under Sections 64, 64(2)(i), 64(2)(m), 64(2)(k), 115(2), 351(2) of Bharatiya Nyaya Sanhita, 2023 r/w Section 92 of The Rights of Persons with Disabilities Act, 2016.
3. The prayer in the present petition is made in respect of grant of permission to terminate the pregnancy. As per the report called from the Medical Board, constituted to examine the condition of the

petitioner as well as the fetus it is revealed that the gestation period of the fetus is 28 weeks and 3 days. The doctors have in clear terms opined that there is high risk to both the mother and the child, if the termination of pregnancy is permitted.

4. On the last date, the father of the petitioner was personally present and the petitioner was hospitalised in the General Hospital, Akola and therefore, she could not remain present in the Court.

5. This Court was of the opinion that before considering the prayer for termination of pregnancy, the petitioner be heard and to know about her willingness particularly, when the report speaks about high risk to the petitioner as well as to the child, if the permission is granted.

6. Because the petitioner was not personally present, a request was made to the learned Government Pleader and Senior Advocate Shri.D.V.Chauhan, to ask the authorities to record the statement of the petitioner as regards her willingness by visiting the hospital, where she was hospitalised.

7. Today the report in this regard is submitted, wherein it is noted that considering the doctors

opinion, the petitioner is ready to give birth to the child however, she wants that the child be handed over to the adoption center as she is not able to take care of the child after the birth.

8. In the light of above referred observations and considering the gestation period of fetus and most important to the fact that there is high risk to the petitioner, if permission is granted, even though the petitioner is victim of sexual assault and she is deaf and dumb, it will not be in the interest of petitioner to grant such permission. Thus, we are not inclined to grant permission. Accordingly, Writ Petition is dismissed.

9. The reports and the documents relating to the health condition of the petitioner and fetus including the statement recorded of the petitioner and her sister are taken on record and marked as Article 'X' collectively for the purpose of identification.

10. The Writ Petition stands disposed of in above referred terms.

JUDGE

JUDGE