



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 12348 OF 2023

XYZ ...Petitioner
Versus
The State of Maharashtra Thr.
The Principal Secertary Public
Health Department ...Respondent

Mrs. Saima Ansari for the Petitioner.

Mrs. M.P.Thakur, A.G.P for the Respondent.

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**
DATE : 9th OCTOBER, 2023

P.C. :

1. This is a petition filed through father of the victim aged 25 years, who is physically and intellectually challenged, for termination of her 29 weeks pregnancy.
2. Vide order dated 5th October, 2023, we have noted that the

petitioner is physically and intellectually challenged and is suffering from Cerebral Palsy with Paraparesis which is affecting both her lower limbs. It is also noted that the petitioner is suffering 50% intellectual disability. Hence, considering the same, on the last date i.e. on 5th October, 2023, we had directed the respondent, to constitute a Medical Board for examination of the petitioner. The petitioner was to appear before the said Board, so as to enable the Medical Board to examine the petitioner.

3. Pursuant to the said order dated 5th October, 2023, the Medical Board has submitted its report in an sealed envelope. We have opened the envelope and after perusing the report, the Doctors have noted that considering that the victim lady i.e. the petitioner is suffering from Cerebral Palsy with Paraparesis 50% and mild intellectual disability 50%, continuation of pregnancy (29 weeks) caused by alleged rape can lead to grave injury to her mental health. It is also stated in the report that due to her intellectual disability, she will not be able to take care of her newborn. Thus, termination of

pregnancy is recommended. It is further stated that continuation of pregnancy may pose high risk to health of victim and will require operative intervention.

4. Considering the Medical Report, we deem it appropriate to permit the petitioner who is victim of sexual assault and is also suffering from physical and intellectual disability, to terminate her pregnancy of 29 weeks. Accordingly, the petitioner is permitted to get Medical Termination of Pregnancy ('MTP') done either in Chhatrapati Pramilatai Raje Hospital, Kolhapur or any other Government Hospital.

5. Learned Counsel for the petitioner states that the petitioner would like to undergo the procedure in Chhatrapati Pramilatai Raje Hospital, Kolhapur. Accordingly, the same to be carried out in the said hospital expeditiously.

6. The child, if born alive, shall be the responsibility of the

State Government having regard to the fact that the child is born to the petitioner, who is a victim of sexual assault.

7. The report to be submitted to this Court on 13th October, 2023 at 10.30 a.m. with respect to the condition of the petitioner as well as the child born.

8. Stand over to **13th October, 2023 at 10.30 a.m.**

9. Learned A.G.P to forthwith, communicate the said order to the concerned authority, so as to enable them to comply with the said order.

10. All concerned to act on the authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.