

Court No. - 1

Case :- MISC. BENCH No. - 13440 of 2021

Petitioner :- 'A'

Respondent :- State Of U.P. Thru Prin.Secy. Health Lucknow And Ors.

Counsel for Petitioner :- Roshan Kumar,Sudhir Kumar Misra

Counsel for Respondent :- C.S.C.,Pankaj Tiwari

Hon'ble Ritu Raj Awasthi,J.

Hon'ble Dinesh Kumar Singh,J.

1. In compliance of the order dated 20.07.2021, the victim has been produced before the Court along with her father.
2. The Investigating Officer has produced the case diary containing statement of the victim recorded under Section 164 Cr.P.C. As per the statement, the victim was allegedly raped by accused-Sarvesh and thereafter, she has developed pain in her stomach and her menstruation cycle has stopped. She has been found pregnant. On her complaint, the FIR has been lodged against accused-Sarvesh.
3. This writ petition has been filed seeking a direction to opposite party No.3 (Chief Medical Officer, Hardoi) to abort petitioner's child which is about 18 weeks as per the medical report.
4. This Court vide order dated 09.07.2021 directed the learned Additional Chief Standing Counsel to communicate the order to the Vice-Chancellor of King Georges Medical University to constitute a Medical Board for medical examination of the victim/petitioner.
5. The Medical Board was required to examine her and submit a report with regard to feasibility of termination of pregnancy of the victim/petitioner.
6. The report of the Medical Board constituted by the Vice Chancellor, K.G.M.U. has been produced before the Court. As per the said report dated 15.07.2021, fetus of the victim/petitioner, who has been described as 'A', is 20 weeks' old and, as per the medical advise, termination of pregnancy can be carried out under The Medical Termination of Pregnancy (Amendment) Act, 2021.
7. Father of the victim who has filed the writ petition on behalf of

the victim is also present before the Court. We have asked the consent of the victim/petitioner and her father for termination of pregnancy of the victim, both of them have specifically said that the victim would like to get her pregnancy terminated.

8. It is informed by him that the victim was sexually abused, due to which she got pregnant. She is a minor and unmarried. The petitioner has come before the Court for abortion of fetus which she is carrying.

9. We have considered the submissions and gone through the record.

10. Considering the medical report dated 15.07.2021 placed before the Court by Mr. Subham Tripathi, learned counsel for King Georges Medical University, we allow termination of pregnancy of the victim, which shall be done at an authorized medical hospital at the earliest, say, within a period of one week.

11. In view of the aforesaid observation/direction, this writ petition is *disposed of*.

(Dinesh Kumar Singh, J.) (Ritu Raj Awasthi, J.)

Order Date :- 23.7.2021

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