

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

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Appearance:
MR ILIN SARASWAT WITH MR SIKANDER SAIYED(3458) for the
Applicant(s) No. 1
MS ASMITA V PATEL(5356) for the Respondent(s) No. 2
NOTICE NOT RECD BACK for the Respondent(s) No. 3
NOTICE SERVED for the Respondent(s) No. 4
MR JK SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE SAMIR J. DAVE

Date : 19/06/2023

ORAL ORDER

1. As per order dated 7th June 2023, the victim girl was examined on 8th June 2023 by the members of the Medical Board for Pregnancy Termination and the board has opined and submitted a report thereof which is reproduced as under:

FORM D

(See Sub clause (ii) of clause (b) of Rule 3A)

Report of the Medical Board for Pregnancy Termination Beyond 24
weeks

Details of the woman seeking termination of pregnancy:

1. Name of the woman: X. Y. Z.
2. Age about 16 years 11 months

3. Registration/Case Number: RAJ/23/00226977 dated 08.06.2023

4. Available reports and investigation:

Sr. No.	Report	Opinion on the findings
1	Complete Blood count Kidney function Test Co-angulation Profile Diabetic Investigation H.B.S. AG Test R.P.R. Test ECG	No significant abnormality noted
2	Sonography report	29 weeks 05 days
3	Abdomen Investigation	General (30-32 weeks)

5. Additional Investigations (if done):

Sr. No.	Investigation done	Key finding
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6. Opinion by Medical Board for termination of pregnancy:

Victim examined by Psychiatrist of Civil Hospital and no abnormality detected

Ossification Test of applicant is not advisable.

At present Victim having 29 weeks 05 days pregnancy so termination of pregnancy is not advisable.

If, ultimately, court orders Medical Termination of Pregnancy of the applicant at 29 weeks 05 days gestational age, the new born will be suffered with prematurity and its complication.

7. Physical and Mental condition of patient: No abnormality detected.
2. As per aforesaid report, during the sonography report, it is found that victim girl is carrying 29 weeks and 5 days pregnancy and abdomen examination and other medical reports shows no significant abnormality.
3. It is also mentioned in the aforesaid report that no abnormalities are detected in the physical and mental condition of the patient. Moreover, the victim was examined by the psychiatrist of Civil Hospital but as per his opinion, no abnormality is detected. Looking to the examination report of the victim girl, MTP Board has opined that present victim is having 29 weeks and 5 days pregnancy ie., on 08.06.2023, therefore, termination of pregnancy is not advisable.
4. The date of birth of the victim is 29th June 2006 and she is going to be completed his age of 17 years within a period of 10 days.
5. Today, learned advocate for the applicant has stated at the bar that the applicant and his victim girl have decided that the victim girl will stay at Nari Sarankshan Gruh, Rajkot Kanya Shala Building,

Yagnik Road, Rajkot till she delivers a child. The said Nari Sarankshan Gruh is under the Secretary of the Women and Child Welfare Department, Sachivalaya, Gandhinagar.

6. Considering the aforesaid situation, Secretary of the Women and Child Welfare Department, Sachivalaya, Gandhinagar as well as the Additional Chief Secretary, Social Justice and Empowerment Department, Gandhinagar are directed to take necessary steps to extend all the facilities available as per the policies of the State of Gujarat.

7. This court appreciate the coordination provided by Mr. Vishal N. Acharya, Legal Advisor, Director, Social Defence under the Social Justice and Empowerment Department and Ms. Jineshree Mehta, Legal Consultant, Woman Wing, Women and Child Department in the present matter, and thus, this court is thankful for rendering their services in deciding the issue involved in the present matter.

8. It is open for the applicant that in case of any difficulty, he may approach this court at any time.

9. Mr. Vishal N. Acharya, Legal Advisor, Director, Social

Defence under the Social Justice and Empowerment Department is directed to look into the matter in coordination of both the departments mentioned above as per the prevailing policies of the State Government.

10. It is also open for the victim that as and when she found suitable to stay in the Nari Sarankshan Gruh, Rajkot Kanya Shala Building, Yagnik Road, Rajkot then she will inform the concerned officer and concerned officer will take appropriate steps for her stay.

11. The State of Gujarat is directed to pay the compensation to the rape victim girl as per the prevailing policies of the State Government under the different provisions, if victim is entitled, at the earliest.

12. With aforesaid observations and looking to the nature of the matter, this court is not disposing this matter finally.

13. The concerned departments mentioned above are directed to submit progress report before this court from time to time.

Kept for orders.

(SAMIR J. DAVE,J)

K. S. DARJI