

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

S.B. CIVIL WRIT PETITION NO. 13775/2020

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Vs

State of Rajasthan & Ors.

Petitioner : Mst.S present in person with her
mother Smt.Leela Devi and father
Shri Babu Lal

For petitioner(s) : Mr.M.M.Dhera & Mr.Ashok Tapadiya

For respondent : Mr.Pankaj Sharma, AAG through VC
& Mr.Deepak Chandak

HON'BLE MR. JUSTICE SANDEEP MEHTA

ORDER

Date of order : 31/12/2020

By order dated 29.12.2020, this Court had directed medical examination of the petitioner through a Medical Board. A report dated 30.12.2020 of the Medical Board constituted at the MDM Hospital, Jodhpur comprising of Dr.Imran Sheikh, Medical Jurist (Convener), Dr.Mrs.Rekha Choudhary, Associate Professor Gynecology & Obstetrics (Member) and Dr.Mrs.Saroj Mourya, Assistant Professor Gynecology & Obstetrics (Member), has been received in which, opinion has been expressed that termination of the pregnancy of the petitioner Mst.S can be done with calculated risk and no added extra risk. The medical report is taken on record.

At the initial stage, the petitioner was heard in camera. She is an educated girl having cleared her VIII standard examination. As per the marksheets, date of birth of the petitioner is 5.5.2004 and thus, she has just completed 16 years of age. She stated that the accused Sanwar Lal, who is her cousin (uncle's son), lured her away

and establish forcible sexual relations with her whereby, she conceived. She is not desirous of continuing with her pregnancy. The petitioner's mother Smt. Leela Devi is also present in the Court. She also is desirous and willing to get the pregnancy of the petitioner terminated. Thus, the consent to terminate pregnancy of the minor victim exists in accordance with the provisions of Section 3(4) of the Medical Termination of Pregnancy Act.

In view of the facts narrated above and keeping in view the law as laid down by Division Bench of this Court in the case of ***State of Rajasthan & Ors. Vs. S (D.B.Spl.Appl. Writ No.1344/2019)*** decided on 1.5.2020, I am of the opinion that it is a fit case for grant of permission to the petitioner to get her pregnancy terminated in accordance with the provisions of the Medical Termination of Pregnancy Act.

Accordingly, it is hereby directed that a competent team of doctors at the Ummaid Hospital, Jodhpur shall proceed with termination of pregnancy of the petitioner herein with due care and protection. The DNA sample of the fetus shall be preserved so as to facilitate investigation of the FIR No.5/2020 PS Pipar City, Jodhpur Rural.

The concerned District Legal Services Authority shall determine the compensation payable to the petitioner victim in accordance with the provisions of the Rajasthan Victim Compensation Scheme, 2011 expeditiously.

Considering the sanctity of identity of the victim and in order to ensure that her image is not tarnished in the society, the media, print

as well as electronic, is restrained from publishing any news item regarding the victim of the present case.

The writ petition is allowed accordingly.

(SANDEEP MEHTA),J

/tarun goyal/
Sr.No.1