

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.15378 OF 2017
(@ out of SLP (C) No.24569 of 2017)

VENKATALAKSHMI

APPELLANT(S)

VERSUS

THE STATE OF KARNATAKA & ORS.

RESPONDENT(S)

O R D E R

Leave granted.

The appellant calls in question the legal propriety of the order dated 31st August, 2017 passed in Writ Petition No.38015 of 2017 whereby the High Court of Karnataka at Bengaluru has declined to entertain the prayer of the petitioner seeking termination of pregnancy. When the matter before this Court was listed on 18th September, 2017, the following order came to be passed:

"Let a copy of this special leave petition be served on Mr.V.N.Rathupathy, learned standing counsel for the State of Karnataka.

Let a copy of the special leave petition be also provided to Mr.Ranjit Kumar, learned Solicitor General who shall assist us in this matter.

In the meantime, Bangalore Medical College and Research Institute shall constitute a Medical Board to examine the victim as confirmed by Mr.Nikhil Nayyar. The victim shall appear before the Medical Board on Wednesday, 20th September, 2017 at 11.30 a.m.

Mr.Ranjit Kumar, learned Solicitor General has assured this Court that he shall communicate the concerned competent authority about the order passed today.

Let the matter be listed again on Thursday, 21st September, 2017."

In pursuance of our order, the Medical Board of Bangalore Medical College and Research Institute has examined the appellant and eventually has come to the conclusion which reads as follows:

"PSYCHIATRY EXAMINATION

Patient Venkatalakshmi aged 17 years, (Psychiatry File Number 33350) was evaluated on 20/09/2017 between 12.30 pm and 3.30 pm. There were no reliable informants available for psychiatric evaluation. However, on examination, the child is intellectually within normal limits and is euthymic. She expressed remorse about her current state and wants to terminate the pregnancy. She is hopeful of continuing studies and is optimistic about future. No other psychopathology could be elicited on mental status examination.

BASED ON ALL THE ABOVE EXAMINATIONS AND INVESTIGATIONS, MS.VENKATALAKSHMI. V IS FOUND TO BE OF 26 WEEKS OF GESTATION WITH MILD ANAEMIA. WE ARE OF THE OPINION THAT THERE IS NO MEDICAL CONTRAINDICATION FOR HER TO UNDERGO TERMINATION OF PREGNANCY AFTER CORRECTION OF ANAEMIA"

It is absolutely necessary to state here that the appellant is a victim of rape. Regard being had to the aforesaid conclusion in the report submitted by the Medical Board, Bangalore Medical College and Research Institute, we direct as follows:

(i) The appellant shall make herself available at 11.30 a.m. on 22nd September, 2017 before the competent authority of the hospital. The person in-charge of the appellant shall take her to the hospital.

(ii) Mr.V.N.Raghupathy, learned counsel for the State of Karnataka shall intimate the competent authority where she is residing at present about this order.

(iii) After she reports at the hospital, the Director, Bangalore Medical College and Research Institute shall admit the patient and see to it that proper steps are taken for termination of pregnancy.

We may hasten to add that we are passing this order keeping in view the medical report and we are sure that the doctors while carrying out the operation procedure for termination of pregnancy, shall keep every safety aspect in view.

The State shall bear all the expenses necessary for the operation, medicines, food etc. of the patient.

The Institute shall preserve the terminus fetus as that may be necessary for the purpose of DNA testing with reference to Crime Case No.0247/2017 subject to order of this Court.

The appeal is accordingly allowed and the order passed by the High Court is set aside.

.....CJI.
(DIPAK MISRA)

.....J.
(AMITAVA ROY)

.....J.
(A.M.KHANWILKAR)

NEW DELHI,
SEPTEMBER 21, 2017.

ITEM NO.11

COURT NO.1

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 24569/2017
(Arising out of impugned final judgment and order dated 31-08-2017
in WP No.38015/2017 passed by the High Court of Karnataka at
Bangalore)

VENKATALAKSHMI

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA & ORS.

Respondent(s)

(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 91928/2017)

Date : 21-09-2017 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE AMITAVA ROY
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s)

Mr.Nikhil Nayyar, Adv.
Ms.Deeksha Gujral, Adv.
Mr.N.K.VERma, Adv.
Ms.Anjana Chandrashekar, AOR

For Respondent(s)

Mr.Ranjit Kumar, SG
Ms.Sadhana Sandhu, Adv.
Mr.G.S.Makker, Adv.

Mr.V.N.Raghupathy, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(Ashok Raj Singh)
Court Master

(H.S.Parasher)
Assistant Registrar

(Signed Order is placed in the file)