



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Writ Misc. Application No. 288/2024

Ms. X

----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary, Department Of Medical And Health Services, Government Secretariat, Jaipur, Rajasthan.
2. The Chief Medical And Health Officer, District Sirohi.
3. The Superintendent Of Police, District Sirohi.

----Respondents

For Petitioner(s) : Ms. Priyanka Borana
Mr. Shreyansh Mardia
For Respondent(s) : Mr. N.S.Rajpurohit, AAG

JUSTICE DINESH MEHTA

rder

30/08/2024

1. The instant application has been moved by the father of the victim, inter alia, with the following prayer:-

"It is, therefore, most respectfully prayed that this application may kindly be allowed the appropriate order may be passed in furtherance of order dated 20.8.2024 passed in SBCWP No.13913/2024 and the State Government may be directed to bear all the expenses of delivery of the petitioner and in the event that the minor and her parents desire to give the child in adoption after the delivery, the State Government shall take all necessary steps in accordance with the applicable provisions of law to facilitate this exercise.

Any other appropriate order or direction, which this Hon'ble Court considers just and proper in the facts and circumstances of this



case, may kindly be passed in favour of the petitioner."

2. Ms. Borana, learned counsel for the applicant submitted that by way of order dated 20.08.2024, passed in S.B. Civil Writ Petition No.13913/2024, this Court had allowed medical termination of the victim's pregnancy by the Medical Board with requisite directions, however by the time, the victim was taken to the hospital for the procedure, the foetus was already of 29 weeks and therefore, the pregnancy could not be terminated being wary of the threat to the victim's health.

3. It is, inter alia, prayed that in light of the judgment of Hon'ble the Supreme Court in the case of *X Vs. State of Maharashtra & Anr.* (Civil Appeal No.5194/2024), decided on 29.04.2024, the daughter of the applicant be allowed to give birth to the child and the State be directed to bear the expenses of the delivery.

4. It is also prayed that the minor and her parents propose to give the child to be born in adoption and hence, appropriate direction be issued to the State Government/competent authority for facilitating the adoption.

5. Mr. Rajpurohit, learned Additional Advocate General did not oppose applicant's prayer so far as recalling of the above referred order of termination of pregnancy is concerned. He however submitted that the State cannot be directed to bear the medical expenses of the delivery.

6. Ms. Borana, learned counsel for the applicant argued that in light of the above referred judgment of Hon'ble the Supreme Court, it is the responsibility of the State to bear the expenses.



7. In view of the facts obtaining in the case and acceding to prayer of the applicant, the order dated 20.08.2024, passed by this Court in S.B. Civil Writ Petition No. 13913/2024 is hereby recalled.

8. On Court's request, Mr. Shreyansh Mardia, Advocate has volunteered to bear all the expenses relating to the delivery of the victim.

9. In light of the gesture showed by Mr. Shreyansh Mardia, Advocate, no direction for bearing the delivery expenses is required to be given to the State.

10. The Child Welfare Committee, Sirohi is hereby directed to provide counseling/assistance to the minor victim and her parents about the process of adoption, if they so wish. The Committee shall be free to take custody of the new born child (if deemed expedient).

11. The present writ misc. application stands disposed of.

(DINESH MEHTA),J

307-akansha/-