

2nd February,
2024
(AK)
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W.P.A 2059 of 2024

X

Vs.

The State of West Bengal and others

Mr. Goutam dey
Mr. Prateep Bera
Ms. Dipanwita Gabguly
Ms. Ankita Ghosh
Mr. Ankan Mondal

...for the petitioner.

Mr. Sirsanya Bandopadhyay
Mr. Arka Kr. Nag

...for the State.

1. It transpires from the order dated January 29, 2024 of this court that a Medical Board was directed to be formed by the State for the purpose of ascertaining pros and cons of medical termination of pregnancy of the petitioner.
2. A report is filed today which indicates that the pregnancy has already been terminated.
3. Such action on the part of the concerned doctors transpires *prima facie* to be an over-action, since the court had not permitted, in terms of the concerned statute, that the medical termination of pregnancy be carried out but had merely sought for a report regarding its pros and cons.
4. Hence, an explanation is required to be given by the concerned doctors who carried out the procedure as

to why the termination was carried out in such hot haste without there being any direction of the court, indicating further if there was any particular cause of such urgency.

5. The State shall ensure that such report is authored by the concerned doctors who conducted the procedure and is filed by learned counsel for the State on the next returnable date.
6. The matter shall be taken up under the heading 'To be Mentioned' for filing of such report and for passing further orders on February 9, 2024.

(Sabyasachi Bhattacharyya, J.)