

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 665 of 2021**

- State Of Chhattisgarh Through Police Station Gandhinagar, District Surguja Chhattisgarh

---- Petitioner**Versus**

- Mohd. Ashif Khan @ Shahanshah S/o Babar Khan Aged About 29 Years R/o Mahamaya Road, Jarhagarh, Ambikapur, District Surguja Chhattisgarh

---- Respondent

For Petitioner / State : Shri Ravish Verma, Govt. Adv.

D.B.:- Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****13/07/2021**

Heard on prayer for condonation of delay in filing the appeal as also prayer for grant of leave to appeal against judgment of acquittal from the charges of commission of offence under Section 376 (2) (n) of IPC.

The appeal is barred by 582 days.

Taking into consideration the cause shown in the application particularly, delay on account of pandemic situation and lock down, we are inclined to condone the delay. Accordingly, the application for condonation of delay is allowed.

Taking into consideration the submission of learned State counsel that the learned Trial Court has completely ignored to appreciate the evidence led by the prosecution that consent of the prosecutrix for sexual intercourse was obtained on false pretext of marriage, we are inclined to grant leave to appeal. Accordingly, the application for grant of leave to appeal is allowed.

Let the appeal filed by the State be registered as Acquittal Appeal and be listed for further orders. The CrMP is, accordingly, disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge