

GJVD010008262024

**ORDER BELOW EXH.1 IN CRIMINAL APPEAL NO. 45 OF 2024**

- 1) Challenge in this appeal is to the Judgement dated **28/12/2023** passed by the Ld. 8th **Addl.**Judicial Magistrate, Vadodara in Criminal Case **No. 36066/2011**, whereby the appellant/original accused has been convicted for the offence punishable under section 138 of the Negotiable Instrument Act.
- 2) Parties to the litigation have submitted Compromise Pursis through their Ld. Advocates and also filed an application requesting to set aside the order passed by the Ld. Trial Court. It is submitted by the Ld. Advocates that matter has been amicably settled between the parties; that complainant has no objection if impugned order of sentence and compensation/fine is to be set aside. The offence under section 138 of The Negotiable Instrument Act is compoundable at the instance of original Complainant.
- 3) Considering the fact that parties have arrived at settlement and complainant/respondent has no objection if the present appeal is allowed by setting aside the impugned order, hence, the following

order is passed.

ORDER

- The complainant is allowed to compound the matter under section 147 of the Negotiable Instrument Act and the Order of conviction, sentence and compensation passed by Ld. **8th Addl. Addl.** Judicial Magistrate, Vadodara dated **28/12/2023** in Private Criminal Case No. **36066/2011** is hereby set aside.
- The Amount deposited, if any, by the Appellant/Accused in this court be disbursed to the Original Complaint/Respondent as per terms of compromise, after proper verification.
- If the deposit is converted into fixed deposit then the same shall be disbursed alongwith the interest, after liquidating the fixed deposit. The Bail bonds and surety is discharged.
- The R&P, if any, be sent back to the concerned Court, alongwith the copy of this order.

***Signed & Pronounced today's in Lok-Adalat
on this 13th day of September, 2025***

Date: 13/09/2025
Place: Vadodara.

**(Ghanshaym Jayantbhai Thoria)
10th Addl. Sessions Judge,
Vadodara
UID Code No. GJ00842**

A.M.Shah