

CRIMINAL APPEAL NO.488/2023**ORDER BELOW EXH.1**

Present appeal emanates from the Judgement dated 08/09/2022 passed by the Ld. 16th Addl. Chief Judicial Magistrate, Surat in Criminal Case No.30317/2018 whereby the appellant/original accused has been convicted for the offence punishable under section 138 of the Negotiable Instrument Act.

Parties in the present case have submitted Compromise Pursis through their Ld. Advocate and also filed an application requesting to set aside the order passed by the Ld. 16th Addl. Chief Judicial Magistrate, Surat. It is submitted by the Ld. Advocate that, matter has been amicably settled between the parties. It is further submitted that complainant has no objection if impugned order of sentence and compensation is to be set aside.

The offence under section 138 of The Negotiable Instrument Act is compoundable at the instance of original Complainant. 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;

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. 16th Addl. Chief Judicial Magistrate, Surat dated 08/09/2022 in Private Criminal Case No.30317/2018 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 submitted by Appellant is here by cancelled and surety is discharged.

The R&P, if any, be sent back to the concerned Court, alongwith the copy of this order.

Pronounced today on 9th March, 2024 in the National Lok Adalat.

Date : 09-03-2024
Surat

(Riteshkumar Kantilal Modh)
15th Addl. Sessions Judge, Surat.
(GJ00825)