

Order below Ex. 1

1) Present appeal emanates from the judgment dated 05/11/2022 passed by learned 12th Addl. Chief Judicial Magistrate, Surat in Criminal Case No. 39185/2021, whereby the appellant/original accused has been convicted for the offence punishable under Section 138 of the Negotiable Instrument Act,

2) Today parties are present and they have submitted compromised pursis. It submitted that, matter has been amicably settled between the parties and cheque amount has been received by the complainant. It is further submitted that complainant has no objection if impugned order of sentence and compensation have been set aside.

3) It is not in dispute that the cheque amount was given by present appellant/accused, to the original complainant /respondent and same was dishonoured. It is not in dispute that present appellant/accused has paid cheque amount to the complainant. Considering the fact that parties are arrived at settlement and complainant/respondent have no objection if the present appeal is allowed by setting aside the impugned order. Therefore, I pass following order.

O R D E R

The order of conviction, sentence and compensation dated 05/11/2022 passed by learned 12th Addl. Chief Judicial Magistrate, Surat in Criminal Case No. 39185/2021 is hereby set aside.

The amount deposited by the accused /appellant in the court, be returned to the respondent as per terms of the compromise.

The copy of this order send to the concern court.

Date : 09/03/2024

Place : Surat

(R.P.MOGERA)

7th Addl.Sessions Judge, Surat.

UID.GJ01539