

Criminal Appeal No. 40 of 2026

Order Below Exhibit One

(1) Present appeal emanates from the judgment dated - **10.09.2025** passed by **Ld. 11th Additional Chief Judicial Magistrate, Ahmedabad [Rural]** in Criminal Case No.**18952 of 2021** whereby the Appellant/original Accused has been convicted for the offence punishable under Section 138 of the Negotiable Instrument Act.

(2) Parties and their respective Advocates have submitted **compromise pursis at Exhibit:9**. It is submitted that, matter has been amicably settled between the parties. The cheque amount has been received by the Respondent/Complainant and in that respect pursis at **Exhibit:9** is produced. Further, the appellant has filed the application vide **Exhibit:710** and prayed to the Hon'ble Court for setting aside the order of conviction and compensation. The parties and their Advocates have submitted that, this compromise has been taken place voluntarily and the parties have admitted their signatures in the compromise pursis and identified by the learned Advocates of the respective parties. It is further submitted that complainant has no objection if impugned order of sentence and compensation be set aside.

(3) It is not in dispute that the questioned cheque was given by the present Appellant/Accused, to the Respondent/original Complainant and same was dishonoured. Now the said dispute is amicably settled and it is not in dispute that present Appellant/Accused has paid cheque amount to the Respondent/original Complainant. Considering the facts, the

parties are arrived at settlement and Respondent/original Complainant has no objection if the present appeal is allowed by setting aside the impugned order. Therefore, I passed following order.

ORDER

- The order of conviction, sentence and compensation dated- **10.09.2025** passed by the Ld. Trial Court in Criminal Case No.-**18952 of 2021** is hereby set aside.
- The Appellants/original Accused – **CMK Express Lines Pvt. Ltd.** and **Amitkumar Gunvantbhai Barot** are hereby ordered to be acquitted from the offence u/s. 138 of the Negotiable Instruments Act.
- If any interim order passed at the time of suspension of sentence, the same stands vacated.
- Bail-Bond of the accused stands cancelled and passport of the appellant, if any deposited in the Court, shall be handed over to the appellant forthwith.
- If R & P be called for than sent back to the concern Ld. Trial Court.
- Copy of this order be sent to the Ld. Trial Court for necessary action.

Signed and pronounced in today's National Lok Adalat on this 14th day of March, 2026.

Date : 14.03.2026.
Ahmedabad.

(Hardik R Shah)
10th Additional Sessions Judge,
Ahmedabad (Rural).
UIC NO. GJ00851