

CRIMINAL APPEAL NO. 49 OF 2024

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Jujarbhai Lukmanjibhai Patel

... APPELLANT

VERSUS

The Viramgam Mercentile co. op. bank Ltd

.... RESPONDENT

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ORDER BELOW EXHIBIT- 1

- (1) Present appeal emanates from the judgment of conviction, sentence and compensation dated 06.11.2024 passed by Ld. Addl. Civil Judge & JMFC, Viramgam in Criminal Case No.1746 of 2019, whereby the present appellant/original accused is convicted for the offence punishable under Section 138 of the Negotiable Instrument Act, 1881.
- (2) Parties have submitted Compromise pursis vide Exhibit-18, inter-alia, mentioning that the dispute is amicably settled between the parties and that there is no dispute with regards to the amount of dishonoured cheque. They further submit that the original complainant has no objection if impugned order is set aside and the original accused is acquitted and they have requested this Court to pass appropriate orders in view of the amended provisions Section 147 of Negotiable

Instrument Act. In the said pursis vide Exh.18, the appellant has also submitted that, he has no objection if the 20% amount which has been deposited by appellant/original accused in the concerned court be given to the respondent.

(3) It is not in dispute that the parties have amicably settled their dispute regarding the dishonored cheque forming part of complaint wherein the order of conviction was recorded. Considering the fact that original complainant/present respondent, has no objection if the present appeal is allowed by setting aside the impugned order. As per the order of Hon'ble Supreme Court in the case of Madhya Pradesh State Legal Services Authority versus Prateek Jain and Anr. reported in (2014) 10 SCC 690, it was held by the Hon'ble Supreme Court that where settlement is made in Lok Adalat, the court can reduce or waive amount of costs of compounding. Hence, considering the facts and circumstances of the present case and the fact that the matter is settled in Lok Adalat, I have found it just and proper to waive costs of compounding charge of compounding the offence.

(4) In view of what is stated herein-above and considering the facts and circumstances of the case and as the settlement has been arrived

between the parties, this Court has passed the following order in the interest of justice :

ORDER

- 1) The order of conviction, sentence and compensation dated 06.11.2024 passed by Ld. Addl. Civil Judge & JMFC, Viramgam in Criminal Case No.1746 of 2019 is quashed and set aside and the appellant/original accused is hereby acquitted from the offence punishable under Section 138 of Negotiable Instrument Act. The offence punishable under Section- 138 under N.I. Act is ordered to be compounded under the provisions contained under Section 147 of N.I. Act.
- 2) The direction to pay cheque amount as compensation, by the Ld. Trial Court is also set aside.
- 3) As per pursis of the appellant vide Exh.18, the amount which has been deposited by the appellant in concerned court be given to the respondent/complainant.
- 4) With these observations, the Criminal Appeal No. 49 of 2024 stands disposed of accordingly.
- 5) Necessary Yadi of this order be sent to concern Trial Court.

6) The R & P if any, be sent back to concerned Trial Court immediately.

Pronounced and Signed in the daily Lok Adalat today i.e. 14th March, 2026.

Date : 14/03/2026

Place : Viramgam.

[H. A. Upadhyay]
6th Additional Sessions Judge,
Ahmedabad [Rural] at Viramgam.
[UIC No. GJ00635]