

:: ORDER BELOW EXHIBIT-1 :

- [1]. While invoking the provisions of Section 374 of the Criminal Procedure Code, 1973 ("Code" for short) or Section 415 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" for short) the present appellant/original accused has filed this appeal against the Judgment and Order of conviction passed trial court (for the sake of brevity and convenience hereinafter referred to as the "Ld. Magistrate") in Criminal Case filed U/s-138, as mentioned in the appeal, whereby the Ld. Magistrate has been pleased to convict the appellant/accused for the offence punishable U/s-138 of the Negotiable Instruments Act ("N. I. Act" for short) and sentenced to undergo simple imprisonment and to pay compensation as per the impugned order.
- [2]. When the matter was come up for the final hearing, the parties and their Ld. Advocates have passed a compromise pursis stating and submitting that the compromise has been arrived at between the appellant and respondent and the appellant has paid the amount as agreed between them to the respondent and therefore, respondent has no objection if the appellant is released and the conviction may be set aside.
- [3]. From the perusal of record, it appears that the appellant has paid the amount to the complainant and no amount remains to be paid by the appellant to the respondent i.e. original complainant. Hence, Ld. Advocate for the appellant has submitted that the appellant has deposited/paid the whole amount and therefore, requested this Court to quash and set aside the impugned Judgment and Order, and also requested to permit the appellant to compound the offence.
- [4]. Ld. Advocate for the respondent i.e. original complainant has submitted that as the appellant has paid the whole amount, the complainant-respondent has no objection if the appellant is permitted to compound the offence for which he has been convicted under Section 138 of the Negotiable Instrument Act.
- [5]. In view of the aforesaid facts and circumstances of the case that the parties have settled their disputes and the amount in question has been paid to the respondent (original complainant) and as per the submission made by the Ld. Advocate of the appellant, the appellant is ready to deposit requisite amount towards the cost so as to enable and permit the appellant to compound the offence. Accordingly, the appellant has deposited the amount as per order. Considering the decision of the Hon'ble Supreme Court in the case of Damodar S. Prabhu, the appellant is permitted to

compound the offence under Section 138 of the N.I.Act, for which he has been punished and convicted.

- [6]. I have considered the submissions made by the Ld. Advocates for the respective parties, so also the factum that the appellant (original accused) has already deposited the amount towards compounding charges as per order on record. Thus, in view of the ratio laid down by the Hon'ble Supreme Court and considering the facts and circumstances of the case and as the settlement arrived at between the parties, the appeal deserves to be allowed. Hence, I pass the following order:

:: O R D E R ::

1. The present Criminal Appeal is hereby disposed of in view of the compromise arrived between the parties.
2. The impugned Judgment passed by the trial court, is hereby quashed and set aside.
3. Consequently, the appellant-accused is hereby ordered to be set at liberty forthwith.
4. The bail bond, if any, stands discharged.
5. The cost amount which is deposited by the appellant/accused before the Ld. Trial Court, if any, is hereby ordered to be paid to the appellant i.e. original accused, after due verification. If the deposited amount is converted into Fixed Deposit, then the same shall be disbursed after liquidating the Fixed Deposit.
6. A copy of this order and the R&P of the Trial Court, if any, be sent back to the Court concerned for further procedure and information.

Pronounced in National Lok Adalt held on this **11th** day in the Month of **July**, of the Year **2026**.

Date : 11.07.2026

Place : Anand

(Rahul Vasantlal Chavda) GJ01019

4th Addl. District & Sessions Judge
Anand.