

**IN THE COURT OF DISTRICT & SESSIONS JUDGE,
ARVALLI AT MODASA.**

Cri.Appeal No.123 of 2026

ORDER BELOW EX.1

- 1 The present appeal has been preferred by the appellant u/s.415 of the BNSS. challenging the Judgment and order dtd.8/04/2026 passed by the Ld.Judicial Magistrate First class, Dhansura, in Criminal Case No.1029 of 2023, whereby the appellant has been convicted for offence punishable under Sec.138 of the Negotiable Instrument Act and he is sentenced to undergo 1 years simple imprisonment. The learned trial Court has also directed the appellant to pay Rs.35000/- as compensation to the complainant U/s.357(3) of the Cr.P.C and also sentenced for 6 months simple imprisonment in defaults.
- 2 Pending the appeal, purshis has been submitted at Ex.11 inter alia stating that the dispute between the parties has been amicably settled out of the Court, it is therefore, prayed to quash and set aside the impugned Judgment and order. The said purshis has been signed by the appellant as well as respondent and also by their respective advocates.
- 3 Considering the facts that the matter has been amicably settled between the parties outside the Court and it appears that the parties are not interested in carrying the matter further. It also appears that as a result of the settlement, the original respondent does not have any objection if the order of conviction passed by the learned trial Court which is challenged in the present appeal is quashed and set aside. Under the circumstances, present appeal stands allowed in view of the settlement arrived between the parties and impugned Judgment and order dtd.8/04/2026 in Criminal Case No.1029 of 2023 is hereby quashed and set aside. In the event, I am of the opinion that the present Appeal is required to be disposed of and hence I pass the following final Order.

FINAL ORDER

- 1 The Appeal is allowed.
 - 2 The impugned order and Judgment Dtd.08/04/2026 passed by the Ld.Judicial Magistrate First class, Dhansura, in Criminal Case No.1029 of 2023, is quashed and set aside.
 - 3 Proceedings are ordered to be compounded and the appellant is ordered to be acquitted from all charges leveled against him.
 - 4 Pursuant to the pursis Ex.10 submitted by the accused/appellant, whatever amount deposited by the accused/appellant, is ordered to be given to the original Complainant (Present Respondent No.1) through A/c payee cheque after due verification.
 - 5 The amount of fine if any, paid by the appellant, be refunded to the appellant.
 - 6 Record and Proceedings be sent back to the lower court forthwith.
- Pronounced in the open Court on this 11th day of July, 2026.

DATE: 11/07/2026
PLACE: MODASA
National Lok Adalat

MMK

(Rajkumar Ramsinh Chaudhary)
Sessions Judge
Arvalli at Modasa
CODE NO.GJ01512