

**IN THE COURT OF 4TH ADDITIONAL DISTRICT &
SESSIONS COURT, BHARUCH**
CRIMINAL APPEAL NO. 279 of 2023
ORDER BELOW EXHIBIT – 1

1. The captioned criminal appeal is preferred against the impugned judgment and order dated 06.04.2023 passed by the 2nd Additional Chief Judicial Magistrate, Bharuch in Criminal Case No. 5895 of 2019.
2. In the present case, the appellant/s and respondent/s have produced compromise pursis vide Exhibit- 32 stating that the entire outstanding amount has duly been paid by the appellant/s to the respondent/s, hence, the parties have urged this Court that the impugned judgment and order passed by the trial Court may be set aside. The parties have also accepted their consent terms of the pursis and accordingly, it is read over to the parties.
3. The parties have voluntarily settled the dispute. Hence, considering the ratio laid down by the Hon'ble Apex Court in *2014(10) SCC 690 Madhya Pradesh State Legal Services Authority V Prateek Jain*, it has been held that in appropriate case the Court has power to waive the cost in Lok Adalat if due to positive attitude of the parties settlement is arrived in Lok Adalat. Hence. Considering the fact that the present appeal is settled parties have amicable settled the dispute it be just and proper to waive the cost so as to avoid hardship to the appellant. Further Hon'ble Supreme Court has in the case of *Rajeev Khandelwal V State of Maharashtra and Anr In Slp (Cri) NO. 14340 of 2025 dated 04/11/202*, it has been held that when complainant does not want any further

amount and if the appellant has expressed his inability to comply the cost on the appellant to be paid to Legal Services Authority cannot be sustained. When complainant has no objection cost can be waived.

4. In the present case on hand the complainant has also agreed upon to waive cost. In view of the compromise between the parties, the effect of compounding under Section 147 of the Negotiable Instruments Act would amount to acquittal of accused. Therefore, considering the fact that the parties have arrived at compromise, compromise is accepted as genuine and order of conviction and sentence dated 06.04.2023 as passed by learned trial Court in Criminal Case No. 5895 of 2019 is hereby set aside and the appellant/s stand/s acquitted of the charges under Section 138 of the Negotiable Instruments Act.
5. Bail bond stands cancelled.
6. Passport deposited, if any, be returned back to the Appellant.
7. The Record and Proceedings, if any, be sent to the concerned learned Trial Court along with the copy of this order.
8. The captioned criminal appeal stands disposed of accordingly.

Signed and Pronounced on this 10th day of August, 2026

Date : 10.08.2026
Place: Bharuch
Lok-Adalat

(VIRENDRA BHIKUBHAI RAJPUT)
4th Additional District & Sessions Judge,
Bharuch.
Unique ID GJ00692