

:: ORDER BELOW EXH.1 IN CRIMINAL APPEAL NO. 248 OF 2025 ::

1. The present appeal has been preferred by the appellant against the Judgment and Order passed by the Ld. 4th Addl. Chief Judicial Magistrate, Bhavnagar in Criminal Case No. 1736 / 2020 dated 07/02/2024, under Section – 138 of Negotiable Instrument Act, sentencing the original accused to undergo six months of simple imprisonment and also directed to pay Total of Rs.26,535/- by way of compensation.
2. Pending the Appeal, the appellant and the respondent (original complainant) arrived to a settlement and a Compromise Purshis to that effect is produced vide Exh.13. The Compromise Purshis is taken on record and complainant stated that, he has no objection, if the Judgment of the Ld. Trial Court convicting the accused, is set – aside.
3. The appellant and the respondent are present before the Court and they have confirmed the settlement before the Court.
4. Under the circumstances, in view of compromise arrived between the parties, the Judgment passed by the Ld. 4th Addl. Chief Judicial Magistrate, Bhavnagar in Criminal Case No. 1736 / 2020 dated 07/02/2024, is hereby set – aside, and the appellant is hereby acquitted.
5. At this stage a reference is required to be made to the ratio laid down in the case of Madhya Pradesh State Legal Services Authority v/s Prateek Jain, 2014 (10) SCC 690, wherein it has been held that, if the Court finds that the settlement is a result of positive attitude of the parties, then in such cases, the Court can always reduce the costs by imposing minimal costs or even waive the same. Since, this Court finds that the above referred settlement is a result of positive attitude of the parties, this Court thinks it fit to waive the cost.

6. Further as per the Exh.-4 in Criminal Appeal No.248/2025 the original accused has deposited Rs.3,540/- and same is to be refunded to the original Complainant (Present Respondent no.2) after due verification by the Chief court Bhavnagar.
7. The amount of fine, if any, paid by the accused in the Ld. Trial Court, is hereby ordered to be refunded to the present appellant and the Bail Bond stands discharged.
8. If the appellant has deposited the passport before the Ld. Trial Court pursuant to the order passed below ex-4 in the present appeal, passport be returned back to the appellant original accused by the Ld. Trial Court.
9. Yadi of the order sent to Ld. Trial Court for necessary action.

Date : 02.04.2026.
Bhavnagar.

(H. S. Mulia)
SESSIONS JUDGE,
BHAVNAGAR.
UNIQUE ID CODE NO. GJ00915