

Criminal Appeal No.36/2024**: Order Below Exh-1 :**

- 1) The present appeal has been preferred by the appellant against the judgment and order passed by the Ld. Additional Chief Judicial Magistrate, Dahod in Criminal Case No. 3460 of 2023, dated. 15.03.2024 under Section 138 of Negotiable Instrument Act, sentencing the original accused (present appellant) to undergo Two (02) years of imprisonment and compensation of Rs. 1,50,000/-, in default of payment of the compensation further 06 months imprisonment.
- 2) Pending the Appeal, the appellant and the respondent (original complainant) arrived to a settlement and produced compromise pursis to that effect vide Exh.17. The Compromise pursis 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 and they have confirmed the settlement before this Court.
- 4) 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 Vs. 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 costs. This Court has taken into consideration the rule of Damodar S. Prabhu Vs. Saiyed Babalal H., reported in A.I.R. 2010 SC 1907(1), at the time of recording the settlement.

5) Under the circumstances, in view of compromise arrived between the parties, the judgment passed by the Ld. Additional Chief Judicial Magistrate, Dahod in Criminal Case No. 3460 of 2023, dated. 15.03.2024, is hereby set-aside, and the appellant (original accused) is hereby acquitted.

6) The 20% amount of fine i.e. Rs.30,000/-, deposited by the appellant, is hereby ordered to be paid to the present respondent and the bail bond stands discharged.

7) If the appellant has deposited the passport before the Ld. Trial Court pursuant to the order passed below Exh.4 in the present appeal, passport be returned back to the appellant original accused by the Ld. Trial Court.

8) Yadi of the order sent to the Ld. Trial Court for necessary action.

Signed and Pronounced in the Open Court on this 25th Day of March, 2026.

Date:25/03/2026
Place : Dahod

(Sandipsinh G. Dodiya)
3rd Additional Sessions Judge
Dahod.
[UIC No. GJ-00902]