

**Criminal Appeal No. 57 /2026****: Order Below Exh-1 :**

1) Present appeal emanates from the judgment of conviction and sentence dated 02.05.2025, passed by Additional Chief Judicial Magistrate, Dahod in Criminal Case No.2953/2024, whereby the present appellant/original accused is convicted for the offence punishable under Section 138 of the Negotiable Instrument Act, 1881 and is ordered to undergo 02 year simple imprisonment and was further ordered to deposit Rs. 1,10,000/- as fine and in default simple imprisonment for 6 months.

2) Ld. Advocate for the appellant submitted that appellant does not want to argue on merits, as matter is amicably settled between the parties. He further submitted that other side has no objection if impugned order is set aside. He has requested this Court to pass appropriate orders in view of the amended provisions Section 147 of Negotiable Instrument Act and requested this Court to set aside the order of conviction, sentence and fine passed by the trial Court.

3) Ld. Advocate for the present respondent No.1/original Complainant submitted that he has no objection if the impugned order is set aside. He further submitted that matter is amicable settled between the parties and now nothing further is required to be done in the present appeal by original complainant.

4) The respondent No.1 has filed pursis vide Exh.5 and declared that the compromise has been made between him and

the appellant and as per the condition of compromise the amount has been paid by the appellant to him and he has no objection if the impugned order is set aside.

5) Considering the fact that original complainant/present respondent No.1, has no objection, if the present appeal is allowed by setting aside the impugned order dated 02.05.2025 and further considering the fact that Ld. A.P.P has raised no objection against the compounding of the offence. Therefore, in view of the above facts I pass the following order :

### **ORDER**

- I. The order of conviction, sentence and fine dated 02.05.2025 passed by Additional Chief Judicial Magistrate, Dahod, passed in Criminal Case No.2953 of 2024 is hereby set aside.
- II. No order as to cost.
- III. Copy of this order be sent to Trial Court, forthwith.
- IV. Necessary Jail yadi be given to Jailor, Dahod to release the appellant/accused, if not required in another case.

Pronounced and signed in the open Court,  
today, on 17th June 2026.

Dahod.  
Dt.17.06.2026.

**[Sandipsinh G. Dodiya]**  
3rd. Addl. District Judge,  
Dahod.  
(GJ00902)