

**IN THE COURT OF SESSIONS JUDGE****AT GANDHINAGAR.****CRIMINAL APPEAL NO. 59/2026****ORDER BELOW Exh. 1**

1. The appeal under consideration preferred by the appellant arises out of an order and judgment dated 24.09.2025 passed by the learned 5th Judicial Magistrate First Class, Gandhinagar vide Exh. 33 in Criminal Case No. 1908/2023 (hereinafter referred to as 'impugned judgment') wherein the learned Trial Court convicted the appellant in terms provided in the impugned judgment.
2. Today, the learned advocates for the appellant and complainant respectively, are present. They have tendered a compromise pursis Exh. 6 on the record stating facts that the parties have arrived at compromise and they do not want to continue with the appeal and further prayed to set aside the conviction and sentence passed in Criminal Case No. 1908/2023. It thus, clearly appears that the complainant has no objection if the present offence is compounded qua the appellant. Both

the parties are present in the court and have agreed that they have arrived at settlement out of Court, and now there is no dispute for disputed cheque. Both the parties have admitted their signature on the pursis and original complainant has agreed that sentence awarded may be set aside in the interest of justice.

3. This Court after recording the compromise vide Exh. 6, permitted the parties to compound the offence. Legal provision is very much clear as contemplated under Section 147 of the Negotiable Instruments Act, wherein every offence punishable under Negotiable Instruments Act, shall be now compoundable. However, in light of the guidelines mandated by the Honourable Supreme Court in the case of **Damodar S.Prabhu Vs. Sayed Babalal H.** reported in **2010(3) GLR 2042** and in the case of **Madhya Pradesh State Legal Services Authority Vs. Prateek Jain and Anr.** in **Civil Appeal no. 8614 of 2014 dated 10.09.2014**, no order is required to be passed for imposition of cost or fine.
4. In view of the facts of the compromise and permission thereof, following order is passed:

**:: ORDER ::**

1. The present criminal appeal is disposed off as 'compromised'.
2. The appellant-accused is hereby acquitted from the charges for the offence under Section 138 of the Negotiable Instruments Act.
3. The judgment and order dated 24.09.2025, passed by the learned 5th Judicial Magistrate First Class, Gandhinagar in Criminal Case No. 1908/2023 convicting the appellant, is hereby quashed and set aside.
4. The amount, if any, deposited by the appellant-accused, be given to the opponent No.2 qua original Complainant, on proper verification.
5. No order as to costs.
6. The bail bond, if any, stands canceled.
7. Copy of this order alongwith the R&Ps be sent to the concerned Trial Court, forthwith.

Signed and pronounced in the open Court on this 14<sup>th</sup> day of March, 2026.

Date:- 14/03/2026  
Place:- Gandhinagar.

/pbsah/

Sessions Judge  
Gandhinagar

**[Ashish J.S.Malhotra]**  
GJ01504  
Sessions Judge  
Gandhinagar