

CRIMINAL APPEAL NO. 88/2026

Madhuben Kantibhai Vaghela (Original Accused)

...Appellant

v/s.

1. Rabari Rajubhai Raghunathbhai (Original Complainant)

2. State of Gujarat

...Respondents

ORDER BELOW EX.1

1. The appeal under consideration, preferred by the appellant, arises out of an order and judgment dated 27.06.2025 passed by learned 2nd Additional Chief Judicial Magistrate, Gandhinagar in Criminal Case No. 6161/2023 (hereinafter referred to as 'impugned judgment') wherein the learned Trial Court has 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 Ex.12 on the record, stating facts that the parties have arrived at compromise and they do not want to continue with the appeal and

Sessions Judge
Gandhinagar

further prayed to set aside the conviction and sentence passed in Criminal Case No.6161/2023. Thus, it 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 the original complainant has agreed that sentence awarded may be set aside in the interest of justice.

3. This court, after recording the compromise vide Ex.12, has permitted the parties to compound the offence. The 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

- (a) The present criminal appeal is disposed off as 'compromised'.
- (b) The appellant-accused is hereby acquitted from the charges for the offence under Section 138 of the Negotiable Instruments Act.
- (c) The judgment and order dated 27.06.2025 passed by learned 2nd Additional Chief Judicial Magistrate, Gandhinagar in Criminal Case No. 6161/2023, convicting the appellant, is hereby quashed and set aside.
- (d) The amount, if any, deposited by the appellant-accused, be given to the opponent No.1 qua original Complainant, on proper verification.
- (e) No order as to costs.
- (f) The bail bond, if any, stands canceled.
- (g) Copy of this order along with the R&Ps be sent to the concerned Trial Court, forthwith.

Signed and pronounced in special lok-adalat in open Court
on **18th** day of **July, 2026**.

Date : 18.07.2026
Place: Gandhinagar

[ASHISH J.S. MALHOTRA]
GJ01504
SESSIONS JUDGE
GANDHINAGAR

vb/gnr