

Criminal Appeal No. 21/2026**Order Below Exh. - 01**

1. The present appeal has been preferred by the appellant (original accused) challenging the judgment and order of conviction passed by Ld. Trial Court i.e. the Court of **2nd Addl. Cheif Judicial Magistrate, Una in Criminal Case No. 1530 of 2025**, whereby, Ld. Trial Court was pleased to record the conviction of the appellant (original accused) for the commission of offense punishable under section 138 of the Negotiable Instruments Act, 1881.
2. During the proceeding of this appeal, the parties have arrived at amicable solution and the appellant (original accused) has paid the amount to the Respondent (Original Complainant). Original Complainant and his Ld. Advocate are present and they have admitted the contents of compromise. Appellant i.e. Original Accused alongwith his Ld. Advocate has also consented to record the compromise. The applicant / original accused has also filed application to set aside the conviction order vide **Exh.15**. Original complainant has made endorsement on that application that, he has no objection, if the order of conviction is set aside.
3. Thus, considering the facts of the case and submissions advanced by the respective parties, it appears that the dispute between the parties has been settled and at present, no dispute remains to be adjudicated by this Court. Further, the compromise arrived at by the parties appears to be genuine. The contents of application to set aside conviction have been verified by both the parties and their Ld. Advocates and therefore, considering the principles laid down by Hon'ble The Supreme Court in the case of *Damodar S. Prabhu v/s. Sayed Babalal H.* reported in 2010 (0) ALJEL - 48299 and in view of

the compromise arrived at by the parties and considering the provisions of section 147 of the Negotiable Instruments Act, the parties are required to be permitted to compound. Thus, considering the case on hand and submissions advanced by Ld. Advocates for the parties, this Court is of the view that, the compromise arrived at between the parties is the result of positive attitude of the parties and therefore, imposition of the cost is hereby waived and in the interest of justice, following order is passed:

ORDER

1. The present Criminal Appeal is hereby disposed off.
2. In view of the compromise arrived at by the parties, impugned judgment and order of conviction **dated- 01/04/2026** passed by Ld. Trial Court in **Criminal Case No. 1530 of 2025** is hereby set aside and the appellant (original accused) is hereby acquitted from the charges under section 138 of the Negotiable Instruments Act, 1881 and be set at liberty, if the accused is in judicial custody.
3. True copy of this order be sent to Ld. Trial Court. R & P, if called for and received, be sent back to Ld. Trial Court.
4. If accused is in judicial custody, Yadi be made to the jail authority.

Pronounced today on **11th Day of July, 2026** in the **National Lok Adalat** at Una.

Place: Una.

Date:- 11-07-2026

LOK ADALAT

(Sunil Mahendrabhai Govani)

3rd Addl. Sessions Judge,

Una, District: Gir Somnath.

UID: GJ00918