

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS
AT ,TALALA , GIR SOMNATH.**

Judgement Date : 12 -06 -2026	
Criminal case No: 1011-2025	
Exhibit No. 30	
Complainant :	Asodariya Harshadbhai Ishwerbhai
Versus	
Accused:	Nikunjbhai Tulsibhai Varsani
Ld Advocate for appearing on behalf of Complainant:	Mr.M.R.Mehta
Advocate for appearing on behalf of accused:	Mr.H.C.Pathak
Sub : Offence Under Section 138-142 of Negotiable Instrument Act 1881	

Judgment

1. The complainant has filed the present complaint under Section 138 of the Negotiable Instrument Act, 1881. The Court has taken cognizance of the offence and issued summons to the accused. Accused remained present. Papers have been provided to the accused. His plea under Section 251 of the Criminal Procedure Code, 1973 is recorded today. He pleaded guilty. He has also filed pursis stating the fact that he concedes his guilt voluntarily. He accepts that, he has issued a cheque in favour of the complainant which got dishonoured. He has also received the notice issued by the complainant. He failed to make payment of the cheque amount after receiving the notice. He stated that he is ready to pay the cheque amount by way of Cash details are below mentioned.

Sr. No.	Date	Amount
1	Dt.01/06/2026	Rs.18,750=00 Paid
2	Till Dt.13/07/2026	Rs.2,50,000=00
	Till Dt.30/04/2027	Rs.2,90,110=00
Total Amount		5,58,860=00

2. Accused has also assured that, upon presentation of the above Cash the same will get honoured and executed settlement agreement vide Ex.27

3. The complainant is present and he is ready to accept the Cash. Since the accused has pleaded guilty through his plea vide **Exh.28,29** and also filed his written pursis pleading guilty. This Court accordingly holds the accused guilty and convicts him under Section 252 of The Code of Criminal Procedure, 1973 for the offence punishable under Section 138 of the Negotiable Instrument Act, 1881.

4. Heard on point of sentence. Both the parties jointly submit that, they have arrived at mutual understanding to take a lenient view on point of sentence. Looking to the case and argument of the learned advocate of the complainant to be taken into consideration. It is a fit case to impose the complainant is also found to be entitled to have the compensation. This court relies on the judgments of “Vijayan Vs/ Sadanandan K. & Anr.” of Hon’ble Supreme Court of India decided on 05/05/2009 and “Hari Singh Vs. Sukhbir Singh” (1998) 4 SCC 551 qua giving sentence in default of payment of compensation.

5. In the abovemention circumstances of the case, this Court is of the view that, the accused is hereby convicted and He is ordered to pay a compensation of **Rs. 5,40,110/-** shall be paid to the complainant within the date prescribed in the settement pursis.

6. If the convict makes a default in payment of compensation as awarded above, the convict shall undergo simple imprisonment for a period of 6 month for the default of the compesation and the prisoner warrant issued against accused accordingly under Section 458 of BNSS 2023 (section 418 of Code of Criminal Procedure) .

7. In case of failure of any repayment of Compensation by the accused within the time frame agreed between the complainant in Compromise pursis. The accused is liable to pay interest of 9% on the compensation amount. and Complainant can be executed as per civil remedy. The case is finally disposed of accordingly.

Pronounced and signed in an open court today on 12 - 06 - 2026

Date :12 -06 -2026

Place : Talala.

(Pushparajsinh Narendrasinh Jadeja)
Judicial Magistrate First Class,Talala.
Judge Code : GJ 01733