

**IN THE COURT OF SESSIONS JUDGE, JAMNAGAR.**

**::: ORDER BELOW EXHIBIT -1 :::**

1. By way of present criminal appeal, appellant (original accused) has challenged the impugned judgment and order of conviction dated 18/05/2024 passed by the Court of learned 10<sup>th</sup> Additional Chief Judicial Magistrate, Jamnagar in Criminal Case No.2757 of 2023, by which appellant/accused was convicted for offense punishable under section 138 of The Negotiable Instrument Act, 1881.
2. By submitting compromise pursis at Exh.18, submissions has been made by complainant and his learned counsel that dispute has been amicably settled between them in full and final settlement and requested to record compromise arrived between parties and to set-aside impugned judgment and order of conviction.
3. Learned Public Prosecutor Mr.Trivedi has stated to pass necessary order in the interest of justice.
4. Considering the facts of case and submissions made by learned counsels for respective parties, it appears that dispute has been settled between parties, no dispute remains to adjudicate by Court and settlement appeared to be genuine, therefore, this Court is of opinion that parties be permitted to compound the offence. In case of **Sanjabij Tari Versus Kishore S.Borcar, reported in 2025 (0) AIJEL-SC 75934**, Hon'ble Supreme Court permitted compromise and compounding even at appellate stage by observing that if payment of cheque amount is made before Sessions Court or a High Court in Revision or Appeal, such Court may compound the offence on condition that accused pays 7.5% of the cheque amount by way of costs. It appears that, appellant herein has deposited the 7.5% of the cheque amount, that is, Rs.27,450/- before District Legal Services Authority, Jamnagar on 18/07/2026.

5. Considering the facts of case and submissions advances by learned counsels of respective parties, this court is of view that compromise is arrived between the parties, hence following final order is hereby passed ;

**FINAL = ORDER**

1. Present criminal appeal is hereby disposed of by way of **compromise**.
  2. In view of compromise arrived between the parties, impudent judgment and order dated 18/05/2024 passed by the Court of learned 10<sup>th</sup> Additional Chief Judicial Magistrate, Jamnagar in Criminal Case No.2757 of 2023 is hereby quashed and set aside. The appellant (accused) is hereby acquitted of the charge under section 138 of the Negotiable Instruments Act, 1881.
  3. As per direction of Hon'ble Apex court in case between **Sanjabij Tari Vs. Kishore S. Borcar reported in 2025(0) AIJEL-SC 75934**, appellant herein has deposited the 7.5% of the cheque amount, that is, Rs.27,450/- before District Legal Services Authority, Jamnagar on 18/07/2026
  4. True copy of this order to be sent to the learned Trial Court with immediate effect for record and compliance with original R & P, if it has been received.
- Order is pronounced in the Permanent Lok-Adalat on this 20<sup>th</sup> day of July-2026 under my hand and seal.

Date: -20/07/2026  
Place: - Jamnagar.

**(Nehalkumar Rajeshbhai Joshi)**  
Sessions Judge, Jamnagar  
Code No.: GJ01318