

**ORDER BELOW EXH.1 AND EXH.9 IN CRIMINAL
APPEAL No.21/2026**

In view of the compromise arrived at between the appellant and respondent no.1, the respondent no.1 has filed consent pursis vide Exh.8, declaring that an amicable settlement has been reached between the parties and respondent no.1 has received final settlement amount from the appellant/accused. Therefore, the appellant has filed an application at Exh.9, praying to set aside conviction order against the appellant passed by the Ld. Trial Court. As per the order of the Hon'ble Supreme Court, in the case of **Madhya Pradesh State Legal Services Authority Vs. Prateek Jain & Another**, reported at 2014(4) R.C.R. (Criminal) 178(SC), it was held by the Hon'ble Supreme Court that where settlement is made in the Lok Adalat, the court can reduce or waive the amount of costs of compounding. Since the appellant and respondent have arrived at a private and amicable settlement, the following final order is passed.

Order

1. The impugned judgment of conviction and order of sentence, passed by Learned Judicial Magistrate First Class, Visavadar, in Criminal Case No.40/2018 passed on 01.05.2024, is hereby set aside and quashed. The appellant **Gajendrabhai Bhanubhai Malaviya** is hereby acquitted from the offence punishable under Section-138 of the Negotiable Instruments Act, 1881. Surety stands discharged. Accordingly the present appeal is disposed off in today's National LokAdalat.

2. Considering the facts and circumstances of the present case and the fact that the matter is settled in Lok Adalat, and decision of the Hon'ble Supreme Court in the case of **Prateek Jain (Supra)**, I have found it just and proper to waive the costs of compounding charge of compounding the offence.
3. An attested copy of this order shall be sent to the Ld. Trial Court to be kept with the Criminal Case No.40/2018. Appeal file to be consigned to the record room after due compliance.
4. Attested copies of this order are to be retained with Exh.9.

Signed and pronounced in National Lok Adalat on this
11th day of July, 2026.

Date: 11/07/2026

Place: Visavadar.

(Hetalkumar Vinodray Joshi)
4th Additional Sessions Judge
Visavadar.
Code No.GJ00599.