

CRIMINAL APPEAL NO.300 OF 2024**ORDER BELOW EXH.1**

- (1) The appellant/accused has preferred the present appeal under Section 374 of the Code of Criminal Procedure, 1973 against the judgment and order dated 21/05/2024 passed by the Learned Additional Judicial Magistrate First Class, Mahemdabad in Criminal Case No.772/2018, whereby, the appellant/accused has been convicted for the offence punishable under Section-138 of the Negotiable Instruments Act and sentenced for 1 (One) year of simple imprisonment and also directed to pay total cheque amount of Rs.2,61,361 as compensation to the complainant under Section 357(3) of Code of Criminal Procedure, in default of payment of compensation in 1 month, he has to suffer further 6 (Six) months of simple imprisonment.
- (2) Being served with notice of appeal, the respondent No.2/complainant appeared before the Court.
- (3) Today, in National Lok Adalat, both the parties have submitted settlement pursis at Exh.16, wherein, they have stated that both the parties have arrived at amicable settlement and the respondent No.2/complainant has received the amount of cheque in question and urged to dispose of the appeal.

- (3.1) The appellant/accused has been convicted for the offence punishable under Section-138 of N.I. Act. Looking to Section-147 of N.I. Act, the offence is compoundable and it is also compoundable in appeal proceedings.
- (4) Thus, looking to compromise pursis (Exh.16) and application for set-aside the judgment (Exh.17), there is no reason to disbelieve it, because both the parties have arrived at amicable settlement and the appellant/accused has paid the cheque amount to the respondent No.2/complainant. Therefore, in view of the compromise pursis, the present appeal is required to be allowed.
- (4.1) So far as the cost is concerned, the parties have compounded the offence in National Lok Adalat. Therefore, I do not think proper to impose any cost and pass the following final order.

:: ORDER ::

- (1) The appeal stands disposed of in terms of compromise pursis (Exh.16) and application for set-aside the judgment (Exh.17) and offence punishable under Section-138 of the Negotiable Instruments Act is hereby ordered to be compounded and the judgment and order dated 21/05/2024 passed by the Learned Additional Judicial Magistrate First Class, Mahemdabad in Criminal Case No.772/2018 is hereby quashed and set-aside

and the appellant/accused is hereby acquitted from the offence punishable under Section-138 of N.I. Act.

Signed and Pronounced in National Lok-Adalat today i.e. on 14th Day of March, 2026.

Date :- 14/03/2026

(Mahamadsiraj L. Shaikh)

Place :- Nadiad

5th Addl. District & Sessions Judge,
Kheda at Nadiad

Moin Kureshi

Code No. GJ-00743