

**IN THE COURT OF SESSIONS JUDGE,
KACHCHH AT BHUJ.**

Criminal Appeal No.195/2025

Exh. 18/A

APPELLANT (ORIGINAL ACCUSED):-

Kalpesh Pravinbhai Gohil,

Age 39, Occupation : Business,
R/o. Bharatnagar, Near Bharat Gas,
Gadhashisha, Tal. Mandvi.

Vs.

RESPONDENT(ORIGINAL COMPLAINANT)

1. The State of Gujarat.
Through:- Public Prosecutor,
Sessions Court Building,
Bhuj- Kachchh.
2. Dhansukh Pravin Pindoria,
Age 32, Occupation – Business,
R/o. Main Bazar Road, Dahinsara.
(Original Complainant)
.....Opponents

ADVOCATES:-

1. L.A. Mr. S. R. Rathod for the appellant.
2. L.A. Mr. B. M. Dholakia for the opponent No.2.
3. Ld. Ad. A. P.P. for the State.

SUBJECT: Criminal Appeal U/s. 415 of B.N.S.S.

:: JUDGMENT ::

1. The present appeal has been preferred by the appellant/accused with a prayer to quash and set aside the

impugned judgment and order passed in Criminal Case No.1858/2024 by the Ld. 3rd Additional Chief Judicial Magistrate, Bhuj - Kachchh by which the appellant-accused has been convicted for the offence punishable under section 138 of the N.I. Act.

2. Both the parties have made request that the dispute between them has been settled, so they may be granted permission for purpose of compromise in this matter. The full amount has been given by the appellant-original accused to the respondent-original complainant and no any due amount is remaining and the matter has been settled. Both the parties and their Ld. Advocates have admitted the contents of the compromise pursis, so it becomes very clear that the matter has been settled therefore the permission has been granted for purpose of compromise. It is further submitted that they do not want to proceed the matter. The parties are present and their Ld. Advocates are also present and they have admitted that the appellant has paid the settlement amount of cheque to the original complainant-respondent and the dispute between the parties has been settled and they have also admitted their signatures in the compromise pursis and no any due amount is remaining. The matter has been settled finally and therefore they do not want to proceed the matter and they have requested to accept the compromise.

3. Considering the above facts, it becomes very clear that the matter has been settled finally without any pressure and the parties have settled their dispute willingly and therefore the compromise is hereby accepted and request made by the parties

to this Court to quash and set aside the impugned order passed passed by the Ld. Trial Court, is accepted.

4. In view of the submission made by the Ld. Advocate by the parties and compromise pursis, the matter has been settled between the parties. The complainant has also admitted that he has received the amount, therefore the appellant is permitted to compound the offence for which he has been convicted i.e. under section 138 of the Negotiable Instruments Act.

5. In view of the aforesaid facts and circumstances of the case, parties have settled their dispute and apellant has paid the settlement amount to the respondent i.e. the original complainant. So, the appellant has also requested this Court to permit him to compound the offence. Considering the decision of the Hon'ble Supreme Court in the case of the **2010 AIR SCW 2929 Damodar S.Prabhu vs Sayed Babalal H on 3 May, 2010**, the appellant is permitted to compound the offence under section 138 of the Negotiable Instruments Act, for which he has been punished and convicted.

6. At this stage, it is also pertinent to note that the Ld. Advocate for the appellant has submitted that the appellant has been facing crucial situation and he is not sound economically. Therefore, he may be exempted from the amount of costs. I have considered the submission made by the Ld. Advocate for the appellant and the respondent and therefore, the appeal deserves to be allowed. Hence, I pass the following order:-

: ORDER :

1. This appeal is hereby allowed.
2. The impugned judgment and order dated 12.11.2025

passed in Criminal Case No.1858/2024 by the Ld. 3rd Additional Chief Judicial Magistrate, Bhuj, is hereby quashed and set aside.

3. **Rs.70,800/- (Rupees Seventy Thousad Eight Hundred)** deposited before this Court shall be paid to the original complainant, through Account Payee Cheque only after proper identification.

Consequently, the appellant-accused is hereby ordered to be set at liberty forthwith.

Pronounced and signed in the Lok-Adalat on to-day 14th day of March, 2026.

Sd/-

Date : 14/03/2026
Place : BHUJ – KACHCHH.

(Mahida Dilip P.)
Sessions Judge,
Kachchh at Bhuj.
(CODE NO.GJ00551)

JPB