

**IN THE COURT OF SESSIONS JUDGE, AT : MAHESANA**  
**ORDER BELOW EXH-1**

**IN**  
**CRIMINAL APPEAL No. 452 OF 2025**

**( Kanujji Viraji Thakor vs The State of Gujarat etc.2)**

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1. The appeal under consideration preferred by the appellant arises out of an order and judgment dated **17.01.2025** passed by the learned **8<sup>th</sup> Additional Judicial Magistrate First Class, Mahesana** vide Exh.-18 in **Criminal Case No. 8078/2023** (hereinafter referred to as 'impugned judgment') wherein the learned Trial Court convicted the appellant in terms provided in the impugned judgment.
  2. The appellant has given application for permission to compound the said offence. Thereafter, both the parties have tendered a compromise pursis vide **Exh.-18** on the record stating facts that the parties have arrived at compromise and they do not want to continue with the appeal and further prayed to set aside the conviction and sentence passed in **Criminal Case No. 8078/2023**. It thus, clearly appears that the complainant has no objection if the present offence is compounded qua the appellant. Both the parties are present in the court and have agreed that they have arrived at settlement out of Court, and now there is no dispute for disputed cheque. Both the parties have admitted their signature on the pursis and original complainant has agreed that sentence awarded may be set aside in the interest of justice.
  3. This Court after recording the compromise vide **Exh.-18**, permitted the parties to compound the offence. Legal provision is very much clear as contemplated under Section 147 of the Negotiable Instruments Act, wherein every offence punishable under Negotiable Instruments Act, shall be now compoundable. However, in light of the guidelines mandated by the Honourable Supreme Court in the case of ***Damodar S.Prabhu Vs. Sayed Babalal H.*** reported in **2010(3)**

**GLR 2042** and in the case of **Madhya Pradesh State Legal Services Authority Vs. Prateek Jain and Anr.** in **Civil Appeal no. 8614 of 2014 dated 10.09.2014**, no order is required to be passed for imposition of cost or fine.

4. In view of the facts of the compromise and permission thereof, following order is passed:-

**:-: ORDER :-:**

- The present criminal appeal is disposed off as '**Compromised**'.
- The appellant-accused is hereby acquitted from the charges for the offence under Section 138 of the Negotiable Instruments Act.
- The judgment and order dated **17.01.2025** passed by the learned **8<sup>th</sup> Additional Judicial Magistrate First Class, Mahesana** in **Criminal Case No. 8078/2023** convicting the appellant, is hereby quashed and set aside.
- The amount of **Rs. 17,152/- (Rupees Seventeen Thousand One Hundred Fifty Two Only)** deposited by the appellant - accused, be given to the Opponent No. 2 - Original Complainant by A/c Payee cheque on proper verification as per **Exh.-19**.
- No order as to costs.
- The bail bond, if any, stands cancelled.
- Copy of this order along-with the R&P be sent to the concerned Trial Court, forthwith.

Signed and pronounced in the open court in today's Lok Adalat on **14<sup>th</sup> day of March, 2026.**

Date : 14-03-2026  
Place: Mahesana

**(Amrish Laljibhai Vyas)**  
Sessions Judge  
Mahesana  
UIC No.GJ00508

Sessions Judge  
Mahesana