



Received on : 06/03/2026
Registered on : 06/03/2026
Decided on : 14/03/2026

IN THE COURT OF SESSIONS JUDGE, MORBI.

Criminal Appeal No.42/2026

Appellant :-

Himalay Dilipbhai Suvariya,
Age-26 Years, Occupation-Business,
R/o. Darshan Apartment, Ramsetu Apartment Vali Sheri, Ramsetu
Society, Ravapar, Tal. & Dist. Morbi.

Vs.

Respondent :-

Ruturajsinh Pradhumansinh Zala,
Age-29 Years, Occupation-Business,
R/o. Rangpar Bela, Tal. & Dist. Morbi.

**BEFORE SHRI P. V. SHRIVASTAV,
SESSIONS JUDGE, MORBI.**

Criminal Appeal u/s.415 of B.N.S.S.

Advocates:-

Mr. M. D. Ubhadiya, learned Advocate for Applicant.
Mr. B. S. Jetha, learned Advocate for Respondent.

--: ORDER BELOW Exhibit-1 :-

[1] The present appeal is filed by the appellant, through his learned Advocate, against the judgement and order dtd.17/02/2026, passed by the learned Additional Judicial Magistrate First Class, Morbi, in Criminal Case No. 2393/2024 wherein, the appellant was convicted for the offences punishable u/s.138 of The Negotiable Instrument Act.

- [2] Upon due service of notice, the respondent appeared before the Court through his learned Advocate Mr. B. S. Jetha.
- [3] Pending the hearing of this appeal, the appellant/accused as well as the respondent / the original complainant, through their respective Learned Advocates, have produced at Exhibit-09 an application to permit them to dispose the present matter as compromise. It is stated in the said application at Exhibit-9 that, since the dispute between the parties have been settled out of the Court, they may be permitted to dispose of this matter as compromise. Both the parties through their respective Learned Advocates, have also filed a joint compromise pursis at Exhibit-8 and stated that, both the parties have settled the dispute outside the Court and the respondent has received the due amount from the appellant. Both the parties have also filed a joint application at Exhibit-7 and stated that, since the dispute has been settled out of the Court and the respondent has received the due amount and there is no due amount to be paid by the appellant, the respondent / original complainant has no objection if the conviction order passed by the learned Trial Court may be quashed and set aside and the appellant is acquitted from the charges leveled against him. Thus, in view of the above, this Court has recorded the compromise entered between the parties.

- [4] Further, in view of the aforesaid submissions of the parties, it is required to be considered here that, as per Section 147 of the Negotiable Instruments Act, the present offence is a compoundable offence, and therefore, the compromise between the parties is required to be accepted as per Section 320(2)(8) of the Code of Criminal Procedure. Further, the Hon'ble Supreme Court of India, in its judgment in *Damodar S. Prabhu vs. Sayed Babalal H. (Criminal Appeal No. 963 of 2010)*, held that, the parties may seek permission to compound the offence even at the appellate stage, and the Appellate Court is empowered to accept such compromise and set aside the sentence awarded to the accused, under Section 147 of the Negotiable Instruments Act, subject to payment of costs to the Legal Services Authority. Therefore, as per the above ratio laid down by the Hon'ble Supreme Court, the compromise can be permitted even at the stage of appeal and so, the parties to the appeal have been permitted to compromise this matter.
- [5] Considering the gravity of the case at hand, the parties to this case have willingly agreed to settle their disputes as per the settlement mentioned in the compromise pursis at Exhibit-8 and have stated in their oral submissions that, the social and economic condition of the accused is not good at present. Considering all these facts and circumstances, as the parties have settled their dispute in the Lok Adalat

today, if the cost is imposed, or if the compounding charge is taken, the purpose of the Lok Adalat would be defeated. Therefore, considering all these facts and circumstances, as per the above cited judgment of the Hon'ble Supreme Court of India, the compromise is required to be allowed and the order of the learned Trial Court is required to be set aside without imposing any compounding charges, and the appellant-accused is required to be acquitted of the offence under Section-138 of the Negotiable Instruments Act, so that the purpose of justice will be served. Therefore, in the present matter, where the Learned Trial Court has found the accused/appellant guilty and the parties have now arrived at a compromise before this Appellate Court, there appears to be a legal reason for interfering with the order of the learned Trial Court. Hence, following order is passed.

-:: ORDER ::-

- 1) The application for permission to compromise produced at Exhibit-9, is hereby allowed as per Sec.147 of N. I. Act read with Sec.320(2)(8) of Cr.P.C., and the present Criminal Appeal No.42/2026, is hereby disposed of as compromise.
- 2) The order and judgement of conviction dtd.17/02/2026, passed by the learned Additional Judicial Magistrate First Class, Morbi, in Criminal Case No. 2393/2024, is hereby set aside.
- 3) The appellant / original accused, namely, ***Himalay***

Dilipbhai Suvariya, is hereby acquitted from the charges for which he was convicted by the learned Additional Judicial Magistrate First Class at Morbi, in Criminal Case No.2393/2024, on 17/02/2026.

- 4) Since the present case is disposed of by way of compromise in Lok Adalat, no any order with regard to compounding charge, is passed.
- 5) The R & P of the learned Court, if any, along with a copy of this order, be sent to the learned Court, forthwith.

Signed & pronounced in the **National Lok-Adalat**, held on this **14th day of March, 2026**.

Place : Morbi
Date : 14/03/2026

(**P. V. Shrivastav**)
Sessions Judge, Morbi
Special Sitting Lok Adalat
Judge Code GJ00372

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