

Order below Exh.1 in Criminal Appeal No.62/2026

1. Present appeal is filed by the appellant-original accused against the judgment and conviction order passed by the **7th Additional Chief Judicial Magistrate, Spe. Nego. Court, Rajkot** in CRIMINAL CASE NO.**18490/2023**, whereby the appellant-original accused has been convicted for the offence under Section 138 of the Negotiable Instruments Act and accordingly he was sentenced to simple imprisonment for **1 Year** and was punished to pay cheque amount as compensation to the complainant and in default of non-payment of said compensation was subjected to further **3 Months** simple imprisonment. Being aggrieved and dissatisfied with the said judgment, the appellant-original accused has prefer present appeal under Section 374 of Criminal Procedure Code.
2. The matter after filing of the appeal has been amiably settled between the parties. They have filed joint pursis vide Exh.7 declaring that the matter has been settled between parties out of Court and respondent-original complainant does not want to proceed the matter.
3. As per section 147 of the Negotiable Instruments Act, offense under Section 138 of N. I. Act is compoundable offense and even at the appellate stage the offense can be compounded and as the pursis has been filed by parties that the matter has been settled between the parties and respondent has no objection if the appellant is acquitted from the offence. I pass following order.

O R D E R

1. In view of pursis filed by parties vide Exh.7 judgment passed by the Learned 7th Additional Chief Judicial Magistrate, Spe. Nego. Court, Rajkot in CRIMINAL CASE **18490/2023**, dtd.**05/01/26** of convicting the present appellant under Section 138 of N. I. Act and sentencing him to **1 Year** simple imprisonment and punished to pay cheque amount as compensation to the complainant and in default of non-payment of said compensation was subjected to further **3 Months** simple imprisonment upon appellant-accused is hereby set aside and present appellant is acquitted from the offence under Section 138 of N. I. Act.
2. Considering be amicable redressal of dispute and circumstances of case, it is not desirable to impose further fine and hence there shall be no order to cost.
3. The present matter be consigned in the record room as per rule, simultaneously, the R. & P., if any, be sent back along with copy of this order to the Ld. Special NI Act Court, Rajkot.

Pronounced in the open Court today on 18/07/2026.

Place: Rajkot.
Date: 18/07/2026
Special Lok Adalat

(Mrs. Priyanka Agarwal)
5th Addl. Sessions Judge,
RAJKOT
Code No. GJ01764

CR APPEAL NO.

62/2026

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