

Order Below Exh.1 in Criminal Appeal No.293 of 2025

The appellant has preferred this appeal against the conviction order passed by the learned 11th Additional Chief Judicial Magistrate Court, Rajkot, in Criminal Case No.32440/2021 on 12-02-2025. During the pendency of appeal, there is settlement between the complainant and the accused and they have submitted pursis with no due certificate vide Exh.19.

They have voluntarily submitted the pursis in Lok Adalat. As per the pursis Exh.-18 produced by the accused and the complainant, there is no dues to respondent (complainant) and the appellant has paid the amount to respondent. Therefore, considering the facts and settlement, they have requested to consider the same.

It is crystal clear that the offence under Section 138 of N. I. Act can be compounded at any stage of the trial. Not only that it can be compounded at any stage, when the parties have of their own desires to settle the dispute out of the Court. There is no reason to deny for permission of compounding the offence. The parties have settled the dispute in Lok Adalat.

It is pertinent to note that as per the judgment of the Hon'ble Apex Court, the offence under Section 138 of the N. I. Act is compounded at the stage of first appellate court. It is also important to note that the discretion has been vested with the court to pass an order of costs of litigation to be deposited before the authority concerned or not. Therefore, the order of sentence and conviction passed by the learned 11th Additional Chief Judicial Magistrate Court, Rajkot, in Criminal Case No.32440/2021 on 12-02-2025 is not required to be continued and it is required to be set aside in the interest of justice.

No order as to costs.

Pronounced in open court today on this 14th day of March, 2026.

Place : Rajkot

Date : 14-03-2026

(I.B.Pathan)

5th, Additional Sessions Judge

Rajkot