

Order below Exh.1
in
Criminal Appeal No.60/2024

1. This appeal under Sec.415 of BNSS (Sec.374 of CrPC) is preferred against the Judgment and Order passed in Criminal Case No.84/2021 by Ld. Judicial Magistrate First Class, Upleta. The Ld. Judge has convicted the present appellant/accused as per 255(2) of CrPC for the offence punishable under Sec.138 of N.I. Act, 1881.
2. Suffice to note fact that the Criminal Case was evolved out of the monetary transaction. The disputed cheque was given to the respondent i.e. original complainant which was returned unpaid. The notice was issued to the accused and since the notice was not reciprocated, the prosecution was launched against the accused for the offence punishable under Sec.138 of N.I. Act which is culminated into the conviction and passing of the order as noted above.
3. During the hearing of this appeal, the matter was referred to the Continuous Lok-Adalat where the appellant and complainant entered into an amicable settlement regarding the dispute between them. A compromise pursis at Exh.11 to that effect, declaring the compromise has been filed by

the parties on record whereby the complainant has compounded the offence against the accused. In view of Sec.147 of the N.I. Act, the offence punishable under Sec.138 of N.I. Act can be compounded even at the appellate stage. This Court being satisfied of the genuineness of the compounding pursis and having verified the aspect of the compromise has taken this compromise pursis on record. Keeping in view the law laid down by the Hon'ble Supreme Court in the case of **M.P. State Legal Services Authority v/s. Prateek Jain ((2014) 10 SCC 690)**, this Court has the discretion to waive the compounding costs for matters settled before the Continuous Lok-Adalat. Since the dispute is settled amicably between the parties in the Continuous Lok-Adalat, this Court deems it proper to waive off the compounding fee entirely. Therefore, no cost is imposed upon the appellant.

4. In view of the above aspects, I pass following order :

ORDER

1. The present appeal is hereby allowed in terms of compromise arrived between the parties.
2. In view of the compromise, the offence having been compounded, the Judgment and Order of conviction and punishment dated 11-05-2022, passed in Criminal

Case No.84/2021 by the Ld. Trial Court is hereby set aside and appellant-accused is hereby acquitted from the charges levelled against him and set to liberty, if not required for any other purpose.

3. Since present appeal is allowed and order of acquittal is passed on compounding of the offence by the complainant, there is no likelihood of present order to be carried to the challenge, thus, appellant is not required to produce personal bond and surety of like amount under Sec.481 of BNSS.
4. In view of the principles laid down in **M.P. State Legal Services Authority v/s. Prateek Jain**, as the matter is settled before the Continuous Lok-Adalat, the compounding fee/cost is waived off, and the appellant is not required to pay any cost.
5. Yadi be sent accordingly.

Signed and Pronounced in the open Court, today on this 18th day of July, 2026.

Date : 18-07-2026

(Vaibhav Vasant Mondhe)
10th Additional Sessions
Judge,
Dhoraji at Rajkot.
Code No. GJ00852

Place : Dhoraji
Continuous Lok-Adalat