

GJSK010014032026

**Criminal Appeal No. 346/2026****Order below Ex.1**

1... Today, the case was fixed for hearing on the application filed under Section 430 of BNSS by the appellant. The said application for compromise is hereby allowed. Heard and perused the pursis of compounding as well as case record. Compounding - pursis has been tendered vide **Exhibit-19** and on ascertaining by this court, the details shown and signature put in the compounding - pursis have been admitted and thereby confirmed that the present matter has been amicably settled between the parties.

2... Moreover, by various judgments, it has been clearly established that the offence under sec. 138 of N.I.Act, can be compounded under sec. 147 of N.I.Act, even at the stage of appeal and that too without permission of the court and so sec. 147 empowers the court to accept the settlement arrived at between the parties and quash the conviction and such powers have been conferred to subserve the ends of justice, however, it has to be exercised with circumspection. Hence, in the light of this compounding pursis, the present criminal appeal is, hereby, disposed of as compounded.

3... The impugned judgment dated 06.05.2026 passed by the Ld. Principal Sr.Civil & Addl. Chief Judicial Magistrate, Himmatnagar at Exhibit No. 70 in Cri. Case No. 6771/2022 whereby the appellant (accused) was sentenced to Simple imprisonment for 01(one) year and further directed to pay compensation, if any, is hereby **set aside** and the appellant accused namely **Jagdishbhai Jayantilal Mistry**, is hereby **acquitted** accordingly, subject to payment of costs to the tune of **Rs.100/- (Rupees one hundred only)** in District Legal Services Authority, Himmatnagar as per law laid down by the Hon'ble Supreme Court in case of Sanjabij Tari Vs. Kishore Borcar & Anr., Criminal Appeal bearing No. 1755 of 2010.

- 4... The bail bonds stand(s) cancelled and sureties are discharged.
- 5... The amount, if any, deposited towards Fine, Compensation or Deposit, be returned to the accused on expiration of appeal period.
- 6... Due to peculiar circumstances of the parties, which this court came to know during the settlement process held, the full cost, if imposed, may dismantle the compromise arrived at and hence the same is, hereby, waived.
- 7... Interim relief granted, if any, stands vacated.
- 8... No order as to cost to the complainant.

A copy of this order & R & P, if any, be returned to Id. Trial court.

Read & Pronounced in **Permanent Lok Adalat**.

Date : 01/08/2026
Himmanagar

M.N. Shaikh (GJ00611),
I/c. Sessions Judge, At : Himmatnagar,
District : S.K.

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