

Criminal Appeal No. 439 of 2021

Order below Ex. 1

- 1) Present appeal emanates from the judgment dated 1/12/2021 passed by learned 20th Addl. Chief Judicial Magistrate, Surat in Criminal Case No. 7617/2020, whereby the appellant/original accused has been convicted for the offence punishable under Section 138 of the Negotiable Instrument Act,
- 2) Parties are present in Lok-Adalat. They have submitted compromised pursis. It submitted that, matter has been amicably settled between the parties and cheque amount has been received by the complainant. It is further submitted that complainant has no objection if impugned order of sentence and compensation have been set aside.
- 3) It is not in dispute that the cheque amount was given by present appellant/accused, to the original complainant /respondent and same was dishonoured. It is not in dispute that present appellant/accused has paid cheque amount or satisfied amount to the complainant. Considering the fact that parties are arrived at settlement and complainant/respondent have no objection if the present appeal is allowed by setting aside the impugned order. Therefore, I pass following order.

O R D E R

The order of conviction, sentence and compensation dated 1/12/2021, passed by Id. 20th Addl. Chief Judicial Magistrate, Surat, in Criminal Case No.7617/2020 is hereby set aside.

The amount deposited by the accused /appellant if any in the court, be returned to the applicant/opponent as per terms & conditions of the compromise.

If, the R & P send to the concern court with the copy of this order.

Date : 12/03/2022

Place : Surat

(Jayeshkumar Laxmanbhai Shrimali)

13th Addl.District & Sessions Judge,

Surat.UID.GJ00672