

ORDER BELOW APPLICATION EXH. : - 1.

1. That, the present appeal has been preferred by the appellant (original accused) by challenging the illegality and veracity of the impugned judgment and order of conviction passed by The Id. Trial Court in Criminal Case No.7712/2019 on dated 07/04/2023, whereby, The Id. Trial Court was pleased to record the conviction of the appellant (original accused) for the commission of offense punishable under the provision of section 118 of the Negotiable Instruments Act, 1882.
2. That, during the proceeding of this appeal, the parties have arrived at an amicably settled between themselves and the appellant (original accused) has paid the amount to the Respondent No. 01 (original complainant) as per agreement, which has been received by the original complainant. The parties have also filed compromise pursis vide exh. 11 to that effect by remaining present before this court and reaffirming the contentions thereof and the respondent no. 01 has also filed pursis/application vide exh. 11 inter alia stating that, the complainant has amicably settled disputes with the appellant and now the complainant has no objection, if the order of conviction is set aside. The Id. AGP for the respondent No. 02 has prayed for passing of appropriate order in the interest of justice.

Date: 22-06-2024
Place :- Surat

Hiteshkumar Mukundray Vyas
9th Addl. District & Sessions Judge, Surat.
Judge Code No. GJ00834

3. Thus, considering the facts of the case and submissions advances by the respective parties, it appears that, the dispute between the parties has been settled between them and at present, no dispute remains to be adjudicated by this Court. Further, the compromise pursis vide exh. 11 produced on record by the parties appears to be genuine and therefore, considering the principle laid down by Hon'ble The Supreme Court in the matter between Damodar S. Prabhu V/s Sayed Babalal H., reported in 2010 (0) AIJEL - 48299 and in view of the compromise pursis vide exh.06 and considering the provisions of section 147 of the NI Act, the parties are required to be permitted to do so. Thus, considering the case on hand and submissions advanced by the Id. advocates for the parties, this Court is of the view that, the compromise arrived at between the parties is the result of the positive attitude of the parties and therefore, imposition of the cost is hereby viewed and in the interest of justice following order is passed:

ORDER

1. The present Criminal Appeal is hereby disposed of in view of the compromise pursis vide exh. 11
2. In view of the compromise pursis vide exh.11, the impugned judgment and order of conviction passed by The Id. Trial Court in Criminal Case No.7712/2019 is hereby set aside and the appellant (original accused) is hereby acquitted from the charged under section 118 of the Negotiable Instruments Act, 1881 and be set at

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liberty.

3. If in case, the appellant has deposited the amount in pursuant to the order passed by the court below application exh. 04 and if the appellant has given no objection for making payment of the said amount to the respondent no. 01 (original complainant), than, in view of the compromise pursis vide exh. 11 and as per endorsement made by the appellant and/or the ld. advocate for the appellant on the application exh. 11 filed by the respondent no. 01(original complainant), the registry is directed to pay the amount deposited by the appellant to the original complainant i.e. respondent no.01 after due and proper verification through electronic mode and as per rules applicable to the same, along with interest, if any.
4. The true copy of this order be sent to The ld. Trial Court with immediate effect for recording and compliance with original R & P, if it has been received.
5. The original file be consigned to the record room.

Order is passed and pronounced in open Court on This 22nd Day of June, 2024 in National Lok Adalat.

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