



Criminal Case No.664/2021

Order below exhibit-1

1. While passing this order Court has gone through pursis at exhibit-27. It appears that case is settled between parties.
2. In light of the decision rendered by the Honble Apex Court in the case of **Damodar S. Prabhu V/s. Sayed Babalal H. reported in AIR 2010 SC 1907**, the accused is required to pay 10% of the cheque amount by way of cost with the District Legal Services Authority in accordance with the guidelines laid-down in the said decision. In para 17 of the said decision, the Hon'ble Apex Court has also observed that the Court can reduce the costs with regard to the specific facts and circumstances of the case. Further, when case is settled in Lok-adalat I would like to refer judgment of Hon'ble Apex Court in case of **Madhya Pradesh Legal Service Authority Vs. Prateek Jain reported in 2014(0) Supreme (SC) 658.**
3. Looking to above-mentioned judgment's ratio I am of the opinion that whole cost in present case cannot be waive. When matter is settled in National Lok-Adalat compounding charge requires to be reduced. Present case came to settled at stage of recalling complainant. Thus, case is settled at belated stage.

Considering the prevalent situation arose out of COVID-19, to meet with the ends of justice, if the accused requires to be directed to deposit Rs.3,000/- (Three Thousand) with the District Legal Services Authority. Looking to the overall circumstances I am of the opinion that if compounding charge is reduced then it would serve the purpose. Hence, I deem it fit to award Rs.3,000/- (Three Thousand) amount as compounding charge.

4. Accused is hereby ordered to pay Rs.3,000/- (Three Thousand) in District Legal Service Authority as compounding charge. On failure of the same to recovered as fine. And if within 15 days this amount is not paid with DLSA, warrant as per Criminal Procedure Code to be issued against.
5. In view of withdraw pursis at exhibit-27, this case is disposed off as withdrawn. Accused is hereby ordered to be acquitted from the case.

Order signed & Pronounced in Open Court today in
National Lok-Adalat.

Date:-11/12/2021
Surat.

Vikram Karsanbhai Solanki
19th Additional Chief Judicial Magistrate
Surat.

Judge Code : GJ-01099.