

:: ORDER BELOW EXH.1 IN CRIMINAL APPEAL NO. 78 OF 2023 ::

1. The present appeal has been preferred by the appellant against the Judgment and Order passed by the Ld. 4th Addi. Chief Judicial Magistrate, Bhavnagar in Criminal Case No. 7254 / 2021 dated 11/07/2023, under Section - 138 of Negotiable Instrument Act, sentencing the original accused (present appellant) to undergo Six Months of simple imprisonment and also directed to pay Rs.90,000/- by way of compensation to the original complainant.
2. Pending the Appeal, the appellant and the respondent (original complainant) arrived to a settlement and a Compromise Purshis to that effect is produced vide Exh.9. The Compromise Purshis is taken on record and complainant stated that, he has no objection, if the Judgment of the Ld. Trial Court convicting the accused, is set - aside.
3. The appellant and the respondent are present before the Court and they have confirmed the settlement before the Court.
4. Under the circumstances, in view of compromise arrived between the parties, the Judgment passed by the Ld. 4th Addi. Chief Judicial Magistrate, Bhavnagar in Criminal Case No. 7254 / 2021 dated 11/07/2023, is hereby set - aside, and the appellant (original accused) is hereby acquitted.

5. Further as per the order passed below Exh.-4 in Criminal Appeal No.78/2023 the original accused has deposited Rs.18,000/- in the Trial Court and same is to be refunded to the original Complainant (Present Respondent no.2) after due verification by the Trial Court.

6. The amount of fine, if any, paid by the accused in the Ld. Trial Court, is hereby ordered to be refunded to the present appellant and the Bail Bond stands cancelled.

Date : 09.12.2023.
Bhavnagar.

(Liyakathussain Shamshuddin Pirzada)
SESSIONS JUDGE,
BHAVNAGAR.
UNIQUE ID CODE NO. GJ00914
