IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 1330 of 2025

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RAJESH RAMJIBHAI GHETIYA

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR GULSHAD G PATHAN(10115) for the Applicant(s) No. 1
VALIMOHAMMED PATHAN(6383) for the Applicant(s) No. 1
DS AFF.NOT FILED (R) for the Respondent(s) No. 2
MR. ROHAN N. SHAH, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE P. M. RAVAL**

Date : 11/12/2025

ORAL ORDER

1. Learned advocate Mr. Washim Pathan states that he has instructions to appear on behalf of the respondent No. 2 herein – original complainant and shall file his Vakalatnama before the Registry. Registry to accept his Vakalatnama.

2. ***Rule.*** Learned Additional Public Prosecutor as well as learned advocate appearing for the original complainant waive service of notice of Rule on behalf of the respective respondents.

3. Considering the issue involved in the present application, with the consent of the learned advocates appearing for the respective parties as well as considering the fact that the dispute amongst the applicant and original complainant has been resolved amicably, this application is taken up for final disposal today as

alleged offence is compoundable.

4. By this revision application under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") read with section 442 of BNSS, the applicant has prayed for quashing and setting aside the judgment and order dated 22.08.2022 passed by the learned 11th Additional Chief Judicial Magistrate, Jamnagar, in Criminal Case No. 5698 of 2020, whereby the trial Court held the applicant guilty for the offence under Section 138 of the Negotiable Instruments Act, 1881 (for short "NI Act") and sentenced to undergo Simple Imprisonment (SI) of six months and also directed to pay the cheque amount to the original complainant as compensation. The said order was assailed before the learned 2nd Additional Sessions Judge, Jamnagar by way of Criminal Appeal No. 285 of 2022, which came to be dismissed *vide* judgment and order dated 17.04.2025 and the order of conviction has been confirmed and upheld. Aggrieved thereby, this revision application is filed.

5. Learned advocate for the applicant has taken this Court through the factual matrix arising out of the present application. However, it is submitted that the parties have amicably resolved the issue. It is further submitted that in view of the fact that the dispute is resolved, present application deserves consideration.

6. Learned advocate for original complainant has reiterated the

contentions raised by the learned advocate for the applicant. Original complainant – Ashoksinh Ramsang Parmar appeared before the Court. The complainant affirms the *factum* of settlement. He has also filed an affidavit, which is taken on record, stating therein that he has no objection if the judgment and orders impugned in this revision application are quashed and set aside. He also states that he has filed the affidavit without any coercion, threat or undue influence. On inquiry made by the Court, the original complainant has declared before this Court that the dispute between the applicant and the original complainant is resolved and cheque amount has already been received by the original complainant and therefore, now the grievance stands redressed. It is, therefore, submitted that the present application may be allowed.

7. Learned Additional Public Prosecutor appearing for the State has submitted that in the facts and circumstances of the case and in view of the extant law, Court may pass appropriate orders.

8. Considering the fact that the dispute is settled between the parties and that the applicant has paid the cheque amount to the complainant and said fact has been confirmed by the complainant, as the offence is compoundable one at any stage under Section 147 of the NI Act.

9. Resultantly, this revision application is allowed. The judgment

and orders impugned in this revision application, referred to herein above, are hereby quashed and set aside. The applicant is acquitted of the present charge. Bail bond, if any, shall stand cancelled. Surety shall be discharged.

10. The amount deposited by the applicant – original accused before the first appellate court / trial court be handed over to the applicant after due verification, to which the original complainant has not raised any objection.

11. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(P. M. RAVAL, J)

NITIN MAKWANA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NITIN INDRAVADAN MAKWANA(HCW0110), ENGLISH STENOGRAPHER GRADE I, at High Court of Gujarat on 11/12/2025 18:39:21