IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 2275 of 2025

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GHANSHYAMBHAI MANJIBHAI SIHORA

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR PARTHVEER J CHARAN(11389) for the Applicant(s) No. 1
MR SATYAJIT S SONAGARA(12218) for the Applicant(s) No. 1
MR UTKARSH SHARMA, APP for the Respondent(s) No. 1

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

Date : 22/12/2025

ORAL ORDER

1. Learned Advocate Mr. Parthveer J. Charan seeks permission to amend the cause title, as the original complainant, BalwantSinh, has expired, and he wants to join the legal heirs. Permission, as prayed for, is granted. The amendment is to be carried out forthwith.

2. Learned advocate Mr. Jaimin Suthar states that he has instructions to appear on behalf of the newly join respondent Nos. 2.1, 2.2 & 2.3 herein – heirs of original complainant and shall file his Vakalatnama before the Registry. Registry to accept his Vakalatnama.

3. *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.

4. 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.

5. 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 13.03.2024 passed by the learned Additional Chief Judicial Magistrate, Kheda in Criminal Case No. 819/2023, 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 one year and also directed to pay the cheque amount to the original complainant as compensation. The said order was assailed before the learned 6th Additional Sessions Judge, Nadiad by way of Criminal Appeal No. 204/2024, which came to be

dismissed *vide* judgment and order dated 25.09.2025 and the order of conviction has been confirmed and upheld. Aggrieved thereby, this revision application is filed.

6. 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.

7. Learned advocate for original complainant has reiterated the contentions raised by the learned advocate for the applicant. Heirs of original complainant – **Mayurdhwajsinh Balvantsinh Sisodiya, Chandrikaben w/o Balvantsinh Raval, Parimalsinh Balvantsinh Sisodiya,** affirm the *factum* of settlement. They have also filed affidavits, which are taken on record, stating therein that they have no objection if the judgment and orders impugned in this revision application are quashed and set aside. They have also states that they have filed the affidavit without any coercion, threat or undue influence, on his own volition. The original complainant has declared that the dispute between the applicant and the original complainant is resolved and due 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.

8. 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.

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

10. 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 and surety, if any, shall stand discharged.

> 11. "So far as the amount of Rs. 55,800/-, is concerned. The Nazir of the First Appellate Court to hand over 50% of the said amount i.e. Rs.27,900/- to the applicant and remaining 50% i.e. Rs.27,900/- is to be taken as compounding amount

and is to be deposited before the District Legal Service Authority as compounding cost.

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

(P. M. RAVAL, J)

MOHD SAIF ULLAH

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MOHD SAIF ULLAH(HC02372), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 22/12/2025 18:20:11