IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 3198 of 2026

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PRAJAPATI LALJIBHAI ISHWARBHAI
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MS RAKSHA S KHATED(12987) for the Applicant(s) No. 1
MR ROHAN H RAVAL, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE R. T. VACHHANI**

Date : 05/11/2026

ORAL ORDER

1. ***Rule***. Learned APP waives service of notice of rule for the respondent – State.

2. Learned Advocate Mr.Shriraj D. Shah, has instructions to appear for and on behalf of respondent-complainant and has sought permission to file his appearance. The permission as sought for stands acceded to. Registry is directed to accept his Vakalatnama and show his name in causelist accordingly.

3. When the matter is called out for hearing, respondent-complainant is present along with his advocate. Both the parties to the proceedings, filed under Section 138 of the Negotiable Instruments Act, submit that the matter is settled between the parties and in support thereof, the respondent-complainant – original complainant files an affidavit which is ordered to be taken on record.

4. After verifying voluntary character of the compromise, by which

the complainant has compounded the offence of section 138 of NI Act, which is permissible in view of section 147 of NI Act and as the parties have amicably settled their dispute, impugned order of conviction and sentence passed by the learned Trial Court and confirmed by the learned first appellate Court is required to be quashed and set aside in order to secure ends of justice and accordingly, they are quashed and set aside.

5. In view of this, the applicant shall not be under obligation to serve the remaining sentence and the applicant shall be treated as acquitted on account of compounding of offence with the complainant.

6. 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 compounding charges by way of cost in accordance with the guidelines laid-down in the said decision. In para 17 of the said decision, the Honble Apex Court has also observed that the Court can reduce the costs with regard to the specific facts and circumstances of the case. In the instant case, the applicant is in jail, therefore, to meet the ends of justice, the applicant is directed to deposit 10% of the cheque amount towards compounding charges with the Gujarat High Court Legal Services Committee.

7. Accordingly, the present application stands allowed subject to payment of 10% of the cheque amount by the applicant with the Gujarat High Court Legal Services Committee and to produce the receipt thereof on record of this file.

8. Rule is made absolute to the aforesaid extent. Direct service permitted. Since the applicant has surrendered before the Jail authority,

the Jail Authority is directed to release the applicant forthwith if not required in any other case. The present application is disposed of accordingly.

(R. T. VACHHANI, J)

MVP

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MITESH VIJAYBHAI PANCHAL(HCD0065), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 05/11/2026 17:51:52