IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 713 of 2025

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VIKESHKUMAR BABULAL BHATIYA

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR JM BAROT(143) for the Applicant(s) No. 1
MR. HARSHAL S. PATEL(14220) for the Respondent(s) No. 2
MR.DIPEN F CHAUDHARI(6740) for the Respondent(s) No. 2
MR BHARGAV PANDYA APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MS. JUSTICE GITA GOPI**

Date : 13/04/2026

ORDER

1. RULE. Learned advocates waive service of Rule on behalf of the respective respondents.

2. Challenge in this Revision Application is given to the judgment and order of conviction and sentence dated 16.02.2024 passed by the learned 2nd Additional Chief Judicial magistrate, Palanpur in Criminal Case no.3584 of 2019 which was confirmed by the judgment and order dated 05.04.2025 passed by the learned 2nd Additional Sessions Judge, Palanpur in Criminal Appeal no.55 of 2024.

3. Learned advocate for the applicant submitted that during the pendency of the proceedings, parties have settled the disputes amicably outside the Court and that there remains

no grievance between them.

4. Learned advocate for respondent no.2 – original complainant has placed on record the affidavit of settlement filed by the respondent no.2–original complainant and stated that the complainant has received the amount as agreed between the parties and the complainant does not want to pursue the matter now in view of amicable settlement and has given consent for compounding the offence. The same is taken on record. Today, respondent no.2 is present before this Court and the respondent no.2 has affirmed the contents of the affidavit and is identified by learned advocate for respondent no.2. Learned advocate seeks permission to file Vakalatnama. Let Vakalatnama be accepted.

5. Since the complainant has given consent for compounding the offence, keeping in mind the object of Section 147 of the NI Act, which is an enabling provision which provides for compounding the offence and may require the consent of the aggrieved for compounding the offence, however, the specific provision under Section 147, inserted by way of amendment towards special law, would give overriding effect to sub-section (1) of Section 320 of the Code of Criminal Procedure, 1973 as has been observed in the case of **Damodar S. Prabhu v. Sayed Baba Lal**, **AIR 2010 SC 1907**. Accordingly, as the dispute has been resolved and the amount has been paid to the complainant, in consonance with the object of the N.I. Act and the provisions under Section 147 thereof, the matter is considered as compounded.

6. In aforesaid view of the matter, the judgment and order passed by the learned Trial Court of conviction and sentence for the offence punishable under Section 138 of the NI Act, as affirmed by the learned Appellate Court, are quashed and set aside. The applicant shall be released from the jail forthwith.

7. In view of the above, the concerned Court is directed to disburse the amount to the complainant on proper verification of the identity, deposited before the learned Court below

8. Accordingly, the present application is allowed in the above terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(GITA GOPI,J)

PARMAR KRISH

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PARMAR KRISH(HC02348), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 13/04/2026 18:22:21