IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 3133 of 2026

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MANSUKHBHAI HARIBHAI TANK
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR HARSH R JOSHI(12752) for the Applicant(s) No. 1
MR NIRAJ SHARMA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE R. T. VACHHANI**
Date : 02/11/2026
ORAL ORDER

1. **RULE.** Learned Advocate Ms.Kiran R. Udasi, has sought permission to file her appearance today, for and on behalf of respondent No.2-complainant. The permission as sought for stands acceded to. Registry is directed to accept her Vakalatnama and show her name in causelist accordingly. Learned APP waives service of notice of rule for the respondent – State and learned advocate Ms.Kiran R. Udasi waives service of rule for respondent No.2 – original complainant.

2. Learned advocates for the respective parties have submitted that the matter is settled between the parties.

3. 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.

4. 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.

5. 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 applicant is required to pay 15% of the cheque amount by way of cost with the High Court State Legal Services Committee 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 suffered imprisonment after conviction and, therefore, to meet the ends of justice, the applicant was directed to deposit 10% of the cheque amount with the Gujarat State Legal Services Authority vide order dated 30.10.2026.

6. Learned advocate for the applicant has produced the receipt of depositing 10% of the amount towards compounding charges by the applicant, as directed by this Court in earlier order dated 30.10.2026, the same is ordered to be taken on record.

7. Accordingly, the present application stands allowed. Rule is made absolute to the aforesaid extent.

(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 02/11/2026 18:02:58