IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 2670 of 2026

With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO. 1 of 2026
In R/CRIMINAL REVISION APPLICATION NO. 2670 of 2026

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MAZHARKHAN AKBARKHAN PATHAN
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR. FIRAZ A. SHAIKH(19317) for the Applicant(s) No. 1
MR. SHAHEZADHUSAIN M SHAIKH(16385) for the Applicant(s) No. 1
MR. SAIF M KAVLA(14667) for the Respondent(s) No. 2
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 advocates for the respective parties have submitted that the matter is settled between the parties. Learned advocate for the respondent No.2-complainant has submitted affidavit for the respondent No.2-complainant, the same is ordered to be taken on record.

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., AIR 2010 SC 1907***, the applicant is required to 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.

6. 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 with the High Court State Legal Services Committee, as compounding charges, which the applicant has already deposited, the receipt of the same is on record.

7. Rule is made absolute to the aforesaid extent. The present application stands disposed of accordingly, alongwith the connected applications, if any.

(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 17:55:36