IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 3098 of 2026

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MANISHKUMAR JAGDISHCHANDRA VYAS
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR ROHAN G VAGHELA(12034) 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 : 28/10/2026

ORAL ORDER

1. ***RULE***. Learned APP waives service of notice of rule for the respondent – State. Learned advocates Mr Mohitsinh A Jadeja and Mr Abhay N Nanda waive service of notice of rule for the respondent – original complainant.

2. Vakalatnama of learned advocate on behalf of respondent No.2-complainant be filed. Registry is directed to accept the same.

3. It is submitted by the learned Advocates appearing for the respective parties that the matter is settled between the parties.

4. It is reported that in compliance of the earlier order passed by this Court dated 28.10.2026, the applicant has deposited 10% of the cheque(s) amount before the Gujarat State Legal Services Authority in support thereof, has produced copy of the receipt with regard to the same. The said receipt is ordered to be taken on record.

5. Learned advocate for the respondent No.2 – original complainant has submitted an affidavit, the same is ordered to be taken on record.

6. Upon perusal of the the affidavit of the respondent No.2 – original complainant placed on record, it appears that the complainant has compounded the offence punishable under Section 138 of the NI Act. Such compounding is permissible in view of Section 147 of the NI Act.

7. In view of the aforesaid settlement, the impugned order of conviction and sentence passed by the learned Trial Court, confirmed by the learned first Appellate Court, is required to be quashed and set aside in order to secure the ends of justice.

8. Accordingly, the impugned order of conviction and sentence is quashed and set aside.

9. 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.

10. In the decision rendered by the Honble Apex Court in the case of ***Damodar S. Prabhu v. Sayed Babalal H., AIR 2010 SC 1907***, the Hon'ble Apex Court has laid down guidelines with regard to deposit of amount towards compounding charges. 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.

11. In the instant case, the applicant has deposited the amount towards compounding charges as directed by this Court and the applicant suffered imprisonment after conviction.

12. Hence, the concerned jail authority is directed to release the

applicant forthwith, if not required in any other case.

13. With the aforesaid observations and directions, the present revision application stands disposed of.

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

(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 29/10/2026 12:21:33