IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 3071 of 2026

With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO. 1 of 2026
In R/CRIMINAL REVISION APPLICATION NO. 3071 of 2026

==========

DHANJIBHAI RAMJIBHAI BARAIYA
Versus
STATE OF GUJARAT & ANR.

==========

Appearance:
MR. VISHVESH R. ACHARYA(14664) for the Applicant(s) No. 1
MR ROHAN RAVAL, APP for the Respondent(s) No. 1

==========

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

Date : 27/10/2026

ORAL ORDER

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

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

3. When the matter is called out for hearing, learned advocate for the respondent No.2 is present. 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 No.2 – original complainant files an affidavit which is ordered to be taken on record.

4. It is reported that in compliance of the order dated

26.10.2026 passed by this Court, the 10% of the compounding charges has been deposited with the District Court, Gir-Somnath.

5. 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.

6. 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.

7. 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 Authority 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 also he is aged about 49 years.

8. 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.

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

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

11. In view of the disposal of the main matter, Cri. Misc. Application No.1 of 2026 does not survive and the same is disposed of accordingly.

(R. T. VACHHANI, J)

CDP

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: CHIRAG DESHRAJ PAL(HCD0072), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 27/10/2026 18:20:34