IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 1956 of 2024

With
CRIMINAL MISC.APPLICATION (FOR WITHDRAWAL/DISBURSEMENT OF AMOUNT) NO. 1 of 2026
In R/CRIMINAL REVISION APPLICATION NO. 1956 of 2024

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NASIRAHEMAD RAISHAHEMAD ANSARI
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR. ANAS I BHOHARIA(16277) for the Applicant(s) No. 1
MR. SOEB R. BHOHARIA(2205) for the Applicant(s) No. 1
DARSHIT R BRAHMBHATT(8011) 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 : 03/11/2026

ORAL ORDER

ORDER IN REVISION APPLICATION:

1. ***RULE***. Learned APP waives service of notice of rule for the respondent – State and learned advocate Mr.Darshit R. Brahmbhatt 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., 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. 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 vide order dated 27.10.2026.

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 27.10.2026, the same is ordered to be taken on record.

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

ORDER IN CR.M.A.:

1. By way of moving this application, the applicant is seeking for disbursement of the amount deposited by the respondent – original applicant before learned Magistrate Court, Nadiad.

2. Considering the request and the grounds agitated in the application therein, I do find substance in the present application. Accordingly, the present application stands allowed.

3. The amount lying with the learned Magistrate Court, Nadiad, shall be released in favour of the applicant herein, as prayed for by the applicant in the present application, subject to due verification of his identity.

4. The applicant shall execute a personal bond to the extent of the amount being withdrawn. The present application is disposed of accordingly.

(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 03/11/2026 17:51:53