IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 3231 of 2026

==========

RAKESHBHAI KUSHALBHAI KATARIYA

Versus

STATE OF GUJARAT & ANR.

==========

Appearance:
MS. KRUPA P SONI(10048) for the Applicant(s) No. 1
MS BARKHA R MAHESHWARI(10484) for the Respondent(s) No. 2
MR ROHAN H RAVAL, APP for the Respondent(s) No. 1

==========

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 and learned advocate Ms.Barkha R Maheshwari waives service of rule for respondent–complainant.

2. When the matter is called out for hearing, respondent-complainant is present along with his advocate. Both the parties to the proceedings, filed under Section 138 of the Negotiable Instruments Act, submit 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 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 is in jail, therefore, to meet the ends of justice, vide earlier order, the applicant was directed to deposit 10% of the cheque amount towards compounding charges with the Gujarat High Court Legal Services Committee, which the applicant has paid and produced the receipt on record, the same is ordered to be taken on record.

7. Rule is made absolute to the aforesaid extent. Direct service permitted. Since the applicant is in jail, the Jail Authority is directed to release the applicant forthwith if not required in any other case. 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 17:52:49