

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 2525 of 2025**

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AMARSHI CHAGANBHAI BHANDERI
Versus
KIRIT MAGANBHAI JIVRAJANI & ANR.

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Appearance:
MR JAIMIN D PANDYA(10040) for the Applicant(s) No. 1
MR PH BUCH(1018) for the Respondent(s) No. 1
NILAY V SUCHAK(8280) for the Respondent(s) No. 1
MS JYOTI BHATT APP for the Respondent(s) No. 2

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CORAM:**HONOURABLE MS. JUSTICE GITA GOPI**

Date : 16/03/2026

ORAL ORDER

1. **RULE.** Learned advocates waive service of Rule on behalf of the respective respondents.

2. The applicant-accused had been convicted by the 7th Additional Chief Judicial Magistrate, Jamnagar on 25.02.2022 in Criminal Case No.2779 of 2017 for the offence under Section 138 of the N.I. Act, which was upheld and confirmed on 06.12.2025 by the learned 2nd Additional Sessions Judge, Jamnagar in Criminal Appeal No.74 of 2022.

4. Learned advocate for the applicant submitted that the parties have settled the disputes amicably outside the Court and that there remains no grievance between them.

5. Original complainant respondent no.1 - Kirit Maganlal Jivrajani is present before this Court along with learned advocate Mr. Nilay V.Suchak, who has placed on record the affidavit filed by the respondent no.1 - original complainant along with settlement deed and stated that the amount, as agreed between the parties has already been paid. Respondent No.1 - original complainant has affirmed the contents of the affidavit and stated that he has already withdrawn Rs.45,000/- deposited before the appellate Court and rest of the amount as Rs.1,80,000/- is also deposited before the appellate Court in Criminal Appeal No.74 of 2022 in compliance to the order of this Court dated 22.12.2025, which may be permitted to be withdrawn.

6. Since the complainant has given consent for compounding the offence, keeping in mind the object of Section 147 of the NI Act, which is an enabling provision which provides for compounding the offence and may require the consent of the aggrieved for compounding the offence, however, the specific provision under Section 147, inserted by way of amendment towards special law, would give overriding effect to sub-section (1) of Section 320 of the Code of Criminal Procedure, 1973 as has been observed in the case of **Damodar S. Prabhu v. Sayed Baba Lal, AIR 2010 SC 1907**. Accordingly, as the dispute has been resolved and the entire amount has been paid to the complainant, in consonance with the object of the N.I. Act and the provisions under Section 147 thereof, the matter is considered as compounded.

7. In aforesaid view of the matter, the judgment and order of conviction and sentence dated 25.02.2022 passed by the learned 7th Additional Chief Judicial Magistrate, Jamnagar in Criminal Case No.2779 of 2017 for the offence punishable under Section 138 of the NI Act, as affirmed by the learned 2nd Additional Sessions Judge, Jamnagar in Criminal Appeal No.74 of 2022 on 06.12.2025, are quashed and set aside. The applicant stands acquitted.

8. The amount of Rs.1,80,000/- is permitted to be withdrawn by the original complainant on proper verification of identity.

9. Accordingly, the present application is allowed in the above terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(GITA GOPI,J)

Pankaj/1 (suppl. Board-II)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PANKAJ KUMAR PRASAD(HC00967), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 17/03/2026 18:07:26