

Received on : 31.01.2026.
Registered on : 31.01.2026.
Decided on : 14.03.2026.
Duration : 00 - 01 - 14
Yrs. Mths. Days

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**BEFORE THE COURT OF 6th ADDITIONAL DISTRICT
AND SESSIONS JUDGE, MAHESANA.**

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Criminal Appeal No.45 of 2026

Pachanbhai Virabhai Dabhi ...Appellant

VERSUS

1. Hardik Sunilkumar Thakar,
Officer of HDFC Bank Ltd.

2. The State of Gujarat ...Respondents

APPEARANCE :

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Mr. S.J.Patel, Ld. Advocate for the Appellant.

Mr. J.P.Trivedi, Ld. Advocate for the Respondent No.1.

Mr. A.S.Makwana, Ld. A.P.P. for the Respondent No.2.

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Subject : An appeal U/s. 415 of BNSS

ORDER BELOW EXH.01

1. The present appeal has been preferred by the appellant under Sec.415 of the Bharatiya Nagarik Suraksha Sanhita, in short, BNSS (Sec.374 of the Criminal Procedure Code) against the Judgment pronounced on dtd.04.12.2025 by Ld. 2nd Judicial Magistrate First Class, Mahesana in Criminal Case No.1939/2023, whereby the Ld. 2nd Judicial Magistrate First Class, Mahesana has convicted the appellant for the offence punishable under Sec.138 of the Negotiable Instrument Act,1881 and ordered to suffer one year simple Imprisonment and also ordered to pay the Compensation to the complainant under Sec.357(3) of the Criminal Procedure code.
2. On service of the notice, Opponent no.1 (Original Complainant) appeared through Ld. Advocate Mr. J.P.Trivedi and the Opponent No.2 (State of Gujarat) appeared through Ld. A.P.P. Mr. A.S.Makwana.
3. During pendency of this appeal, the appellant & respondent no.1 have amicably settled the original dispute, hence, they have submitted the Compromise Pursis, in which, it is declared that the appellant has already paid the amount to the Respondent no.1 as mutually decided between the parties. Therefore, Ld. Advocate appearing for the appellant requested that in view of the settlement arrived at between the parties, the conviction of the appellant under sec.138 of the N.I.Act is to be set aside

and the appellant is entitled to an acquittal. Ld. APP requested to pass necessary order in the interest of justice.

4. At this stage the provision of Sec.147 of the Negotiable Instrument Act is required to be taken into consideration. Sec.147 provides that every offence punishable under the act shall be Compoundable. Hon'ble the Supreme Court has held in the case of Rajendra Vs. Nandlal [Cri.Appeal No.1214-1215/2019 DOJ 6/8/2019] & in the case of K.M.Ibrahim Vs. K.P.Mohammed & another [Cri.Appeal No.2287/2009 DOJ 2/12/2009] that in view of the settlement arrived at between the parties the Appellate Court can compound the offence and set aside the conviction order passed by Ld. Trial Court. In such circumstances, the appeal is hereby allowed & the order of conviction & sentence passed on dtd.04.12.2025 by Ld. 2nd Judicial Magistrate First Class, Mahesana in Criminal Case No.1939/2023 is hereby set aside and the appellant - Pachanbhai Virabhai Dabhi is acquitted from the charges of Sec.138 of the Negotiable Instrument Act. It is further hereby ordered that in compliance of the Court's order if the appellant has deposited any amount in the Court then such amount shall be paid in accordance with the terms of the settlement. All the pending applications are accordingly disposed of.
5. A copy of this order shall be sent to the Ld. Trial Court. Parties are arrived at settlement / compromise during

pendency of this appeal, hence, this appeal is disposed of in today's Lok Adalat as the original dispute compounded.

Pronounced in open Court today on 14th March, 2026.

Date : 14.03.2026.
Place : Mahesana.
National Lok Adalat

(Sushil Bhagwantray Bhatt)
6th Additional District &
Sessions Judge, Mahesana.
UIC-GJ00857.