

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 237 of 2026**

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SADIK INAYAT HUSEN SHAIKH

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR MUNJAL V ACHARYA(10678) for the Applicant(s) No. 1

MR PRANAV DHAGAT, APP for the Respondent(s) No. 1

MR HB CHAMPAVAT for the Respondent(s) No. 2

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 05/05/2026****ORDER**

1. RULE. Learned advocates waive service of Rule on behalf of the respective respondents.
2. Challenge in this Revision Application is given to the judgment and order of conviction and sentence dated 21.9.2024 passed by the learned Additional Chief Judicial Magistrate, Surat in Criminal Case no. 10042/20, which was confirmed by the judgment and order dated 22.12.2025 passed by the learned Additional Sessions Judge, Surat in Criminal Appeal no. 823/24.
3. Learned advocate for the applicant submitted that during the pendency of the proceedings, parties have settled the disputes amicably outside the Court and that there remains no grievance between them.

4. Learned advocate for respondent no.2 – original complainant has placed on record the affidavit of settlement filed by the respondent no.2–original complainant and stated that the complainant has received the amount as agreed between the parties and the complainant does not want to pursue the matter now in view of amicable settlement and has given consent for compounding the offence. The same is taken on record. Today, respondent no.2 is present before this Court and the respondent no.2 has affirmed the contents of the affidavit and is identified by learned advocate for respondent no.2. Learned advocate seeks permission to file Vakalatnama. Let Vakalatnama be accepted.
5. 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.
6. In aforesaid view of the matter, the judgment and order passed by the learned Trial Court of conviction and sentence

for the offence punishable under Section 138 of the NI Act, as affirmed by the learned Appellate Court, are quashed and set aside. The applicant stands acquitted.

7. It is submitted that an amount of Rs.60,000/- has been deposited by the accused. In view of the settlement arrived at and as admitted by the complainant, the concerned Court is directed to disburse an amount of Rs.60,000/- to be paid to the complainant on proper verification of the identity.
8. Accordingly, the present application is allowed in the above terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

Maulik

(GITA GOPI,J)