

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 561 of 2026**

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BHARATKUMAR BHAGUBHAI PATEL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR SAADMAN A PIRZADA(10870) for the Applicant(s) No. 1

MS JYOTI BHATT APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 23/03/2026****ORAL ORDER**

1. Learned advocate Mr. Deshal Modi appears for respondent No.2 and seeks permission to file Vakalatnama. Permission is granted. Office to accept the same.

2. **Rule.** Learned advocates waive service of notice on behalf of respondent parties. Rule is fixed forthwith.

3. By way of this application, the applicant - revisionist challenges the judgment of conviction and sentence dated 13.01.2023 passed by the learned 23rd Additional Chief Additional Judicial Magistrate, Vadodara in Criminal Case No.20027 of 2020 under Section 138 of the Negotiable Instruments Act, 1881. The above sentence was challenged by way of an Appeal and the same was confirmed on 31.01.2026 by the learned 11th Additional Sessions Judge, Vadodara in

Criminal Appeal No.78 of 2023.

4. Learned advocate Mr. Saadman A.Pirzada for the applicant - revisionist stated that the matter has been amicably settled between the parties.

5. The affidavit of the respondent No.2 - Alpesh Bharkumar Dave, original complainant is on record. The original complainant is present before this Court, who has been identified by learned advocate Mr. Deshal Modi. The original complainant states and affirms that the matter has been settled between the parties amicably. The complainant stated that he has received the total amount of cheque and thus, stated that necessary order may be passed and the complainant does not want to pursue the matter now in view of amicable settlement and has given consent for compounding the offence.

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 Criminal Procedure Code, 1973 (CrPC) 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 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.

8. Accordingly, the present application stands disposed of in the above terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(GITA GOPI,J)

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