

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL APPEAL (AGAINST ACQUITTAL) NO. 546 of 2026**

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DUSHYANTBHAI GORDHANBHAI PATEL

Versus

HARESH B. KARIA- HUF THRO ITS MEMBERS & ORS.

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Appearance:

ADITYA A CHOKSI(7835) for the Appellant(s) No. 1

PRITHU PARIMAL(9025) for the Opponent(s)/Respondent(s) No. 2,3

MS JYOTI BHATT ADDITIONAL PUBLIC PROSECUTOR for the

Opponent(s)/Respondent(s) No. 4

UNSERVED EXPIRED (N) for the Opponent(s)/Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK****Date : 14/07/2026****ORAL ORDER**

Heard Mr. Aditya Choksi. Learned counsel for the appellant and Mr. Prithu Parimal, learned counsel for respondent Nos. 2 and 3.

The issue that arose in the present proceedings is whether the legal heirs of the deceased original accused are liable to pay the compensation awarded under Section 138 of the Negotiable Instruments Act as awarded in identical case filed by the original complainant/appellant involving similar facts. In the present proceedings, the legal heirs of the deceased original accused filed an application seeking to be impleaded as party appellants in the appeal pending before the Appellate Court. Although they were subsequently impleaded as party respondents, no order directing them to pay compensation has been passed.

In light of the above facts, the Mr. Choksi, learned

counsel for the appellant referred and relied upon two decisions which read as under:-

- (1) Shamim Saifuddin Sarkhot vs. Jugraj Miyachand Jain and another reported in 2016 SSC Online Bom 1082*
- (2) Thotlegowda S/o Sannabore Gowda vs. State by Cescom Vigilance Police Station, Hassan in Criminal Appeal No.165 of 2012.*

In view of above, the present appeal deserves consideration. Hence, following order is passed:-

ADMIT. EXPEDITE.

Bailable warrant in the sum of Rs.5,000/- each be issued upon respondents – original accused.

SURESH SOLANKI

(HEMANT M. PRACHCHHAK,J)