

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 2001 of 2025**

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MANSHAN ENGINEERING PVT. LTD. & ANR.

Versus

KAILASHBHAI MOTILAL BAROT PROPRIETOR OF KAILASHBHAI
MOTILAL BAROT & ANR.

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Appearance:

MR NIRAV C THAKKAR(2206) for the Applicant(s) No. 1,2

MR NIRAJ SHARMA APP for the Respondent(s) No. 2

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 24/04/2026****ORDER**

1. Learned advocate Mr. Uvesh M.Shaikh seeks permission to file vakalatnama on behalf of respondent no.1 - original complainant. Permission is granted. Office to accept vakalatnama of Mr. Shaikh.

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

3. The applicant-accused had been convicted by the learned Additional Chief Metropolitan Magistrate, Ahmedabad on 17.07.2023 in Criminal Case No.20668 of 2018 for the offence under Section 138 of the N.I. Act and sentenced him to undergo one year simple imprisonment, which was upheld and confirmed on 04.10.2025 by the learned Additional Sessions Judge, Ahmedabad in Criminal Appeal No.415 of

2023.

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. Respondent No.1 - Original complainant is present before this Court along with learned advocate Mr. Uvesh M.Shaikh, who has placed on record the affidavit filed by the respondent No.1 - original complainant and stated that the amount, as agreed between the parties has already been paid. The same is taken on record. Respondent No.1 - original complainant has affirmed the contents of the affidavit and stated that amount of Rs.58,000/-, which was deposited before the Nazir of the concerned Court be ordered to be paid to him.

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 17.07.2023 passed by the learned Additional Chief Metropolitan Magistrate, Ahmedabad in Criminal Case No.20668 of 2018 for the offence punishable under Section 138 of the NI Act, which was affirmed 04.10.2025 by the learned Additional Sessions Judge, Ahmedabad in Criminal Appeal No.415 of 2023, are quashed and set aside. The applicant stands acquitted. The amount of Rs.58,000/-, deposited before the Nazir of the concerned Court is ordered to be paid to the complainant on proper verification of identity.

8. 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)

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