IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 3173 of 2026
With
CRIMINAL MISC.APPLICATION (FOR STAY) NO. 1 of 2026
In R/CRIMINAL REVISION APPLICATION NO. 3173 of 2026

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HEMANTBHAI CHANDULAL VYAS, PROP. OF DONNA CHEM
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR PV PATADIYA(5924) for the Applicant(s) No. 1
MR VIVEK P BAROT(13733) for the Respondent(s) No. 2
MR ROHAN RAVAL APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE R. T. VACHHANI**

Date : 05/11/2026

ORAL ORDER

1. Rule. Learned APP waives service of notice of rule for the respondent – State and learned advocate Mr.Vivek Barot waives service of rule for respondent No.2 – original complainant.

2. As per the earlier order dated 03/11/2026 passed by this Court, the matter in question has been settled between the parties and settlement agreement has already been placed before this Court. The petitioner was asked to deposit 10% of the compounding charges of the cheque amount and thereafter petitioner has produced the xerox copy of the receipt thereof which is ordered to be taken on record.

3. After verifying voluntary character of the compromise, by which the complainant has compounded the offence of section 138 of NI Act, which is permissible in view of section 147 of NI Act and as the parties have amicably settled their dispute, impugned order of conviction and

sentence passed by the learned Trial Court and confirmed by the learned first appellate Court is required to be quashed and set aside in order to secure ends of justice and accordingly, they are quashed and set aside.

4. In view of this, the applicant shall not be under obligation to serve the remaining sentence and the applicant shall be treated as acquitted on account of compounding of offence with the complainant.

5. In light of the decision rendered by the Honble Apex Court in the case of ***Damodar S. Prabhu V/s. Sayed Babalal H. reported in AIR 2010 SC 1907***, the applicant is required to pay 15% of the cheque amount by way of cost with the High Court State Legal Services Committee in accordance with the guidelines laid-down in the said decision. In para 17 of the said decision, the Honble Apex Court has also observed that the Court can reduce the costs with regard to the specific facts and circumstances of the case. In the instant case, the applicant suffered imprisonment after conviction and also he is aged about 69 years, therefore, to meet the ends of justice, the applicant is directed to deposit 10% of the cheque amount with the Gujarat State Legal Services Authority which has been deposited by the applicant as recorded herein above.

6. Accordingly, the captioned revision stands allowed. Rule is made absolute to the aforesaid extent. Direct service permitted.

7. Accordingly, CR.MA No.1 of 20226 also stands disposed of.

(R. T. VACHHANI, J)

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Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MANISHKUMAR JYOTINDRA SOMPURA(HC00189), Principal Pvt. Secretary, at High Court of Gujarat on 05/11/2026 13:53:34