

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1481 of 2023****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

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Approved for Reporting	Yes	No

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PATEL VINODBHAI KANTILAL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. RAJKUMAR N DAVE(14054) for the Applicant(s) No. 1

MS UNNATI V PAREKH(12781) for the Applicant(s) No. 1

MR ROHAN H. RAVAL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**Date : 29/04/2026****JUDGMENT**

- 1) By way of the present revision application filed under Sections 397 and 401 of the Code of Criminal Procedure, the applicant has sought the following relief:

"(B) THIS HON'BLE COURT MAY BE PLEASED TO suspend the sentence in connection with the judgment and order dated 04.11.2023 passed by the Learned 5th Additional Sessions Judge At Mahesana in Criminal Appeal no.330 of 2022 and the Judgment and order dated 19.10.2022 passed by Learned Additional Chief Judicial Magistrate Mahesana in criminal case no.913 of 2018 are illegal, unjust, unlawful, unjustifiable and improper, the same are required to be quash and set aside."

- 2) Learned advocate for the applicant has taken this Court through the factual matrix of the present application. At the outset, it is submitted that the parties have amicably resolved the dispute. It is further submitted that in view of settlement arrived at between the parties, present application deserves consideration.
- 3) Learned Additional Public Prosecutor appearing for the State has opposed the present application and submitted that considering the seriousness of the offence, the present application may not be entertained.
- 4) The respondent No.2 – Patel Tejendrabhai harshadbhai, appeared through his Power of Attorney and virtual mode before this Court and admitted the factum of settlement and has no objection if the present application is allowed.
- 5) In view of the above, it appears that during the pendency of the present application the matter has been amicably settled between the parties. Having heard the learned advocates for the respective parties and considering the material placed on record, it appears that the dispute between the parties has now been amicably resolved. The complainant has admitted the factum of settlement and has no objection if the complaint is quashed. Therefore, no fruitful purpose would be served by continuing the proceedings further.

- 6) Considering the fact that the dispute is settled between the parties and as offence is compoundable one at any stage under Section 147 of the Negotiable Instruments Act, application deserves consideration. But, as the applicant – accused has settled the dispute at belated stage before this Court, in view of the decision rendered in the case of **Damodar S. Prabhu Vs. Sayed Babalal H, reported in 2010(5) SCC 663**, as well as in view of the decision of the Hon'ble Supreme Court in **Sanjabij Tari vs. Kishore S Boarcar & Anr.** reported in **2025 INSC 1158**, applicant – accused is required to be saddled with cost. Therefore, considering the relationship between both the parties the applicant - accused is required to deposit token amount of Rs.10,000/- as costs. Accordingly, the applicant – accused is directed to deposit **Rs.10,000/- (Ten Thousand)** with the Gujarat State Legal Services Authority, within a period of **one week** from today.
- 7) Resultantly, the present Revision Application stands **disposed** of in view of the settlement arrived at between the parties. The judgment and order dated 04.11.2023 passed in Criminal Appeal No.330 of 2022 by the learned 5th Additional Sessions Judge, Mahesana, as well as the judgment and order dated 19.10.2022 passed in Criminal Case No.913 of 2018 by the learned Additional Chief Judicial Magistrate, Kadi, are hereby quashed

and set aside, along with all consequential proceedings arising therefrom qua the present applicant subject to aforesaid condition. Bail bond of the applicant – accused stands discharged.

- 8) The Registry is directed to release the amount, if any, lying with it in favour of the respondent No.2 – original complainant.
- 9) The Jail Authority concerned is directed to release the applicant forthwith, if not required in connection with any other offence.
- 10) The complainant – respondent no.2 is directed to place on record original copy of Power of Attorney after following due process of law.
- 11) Rule is made absolute to the aforesaid extent only. Interim application, if any, also stands disposed of. Direct service is permitted.

ANKIT JANSARI

(HASMUKH D. SUTHAR,J)