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CrI.O.P.No.24190 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.24190 of 2025
and CrI.M.P.No.16563 of 2025

S.Anbazhagan

... Petitioner

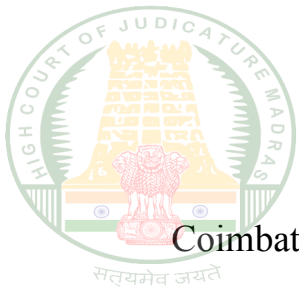
Vs.

1. R.Munusamy

2. The State Represented by,
The Public Prosecutor,
Coimbatore.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 BNSS, to call for the records and set aside the order passed in M.P.No.1 of 2025 in C.A.No.141 of 2025 dated 06.06.2025 originally pending on the file of the Principal District and Sessions Court, Coimbatore now transferred to I Additional District and Sessions Court, Coimbatore; made in Para 3(ii) of the impugned order requiring the petitioner to deposit a sum of Rs.16,50,000/- towards the part of compensation amount before the trial Court on or before 22.07.2025 and modify the same as not requiring the petitioner to deposit any sum as a condition for the suspension of the order of the learned Judicial Magistrate, Fast Track Court @ Magistrate Level -I,



CrI.O.P.No.24190 of 2025

Coimbatore in C.C.no.565 of 2014 dated 01.04.2025

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For Petitioner : Mr.M.Purushothaman
For R2 : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

Challenging the order passed by the learned Principal District and Sessions Judge, Coimbatore, in M.P.No.1 of 2025 in C.A.No.141 of 2025 dated 06.06.2025, directing the petitioner/appellant, who sought suspension of sentence, to deposit a sum of Rs.16,50,000/- towards the part of the compensation amount before the trial Court on or before 22.07.2025, the present Criminal Original Petition has been filed.

2. Learned counsel appearing for the petitioner submitted that the cheque in question was not issued for consideration and that the petitioner has a very good case in appeal. He further submitted that the signature of the petitioner had been forged and therefore, the direction issued by the Principal District and Sessions Court, Coimbatore, to deposit Rs.16,50,000/- is not fair. Hence, he prayed that the said order be set aside.

3. Heard the both sides and perused the materials available on record.



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4. In view of the above, this Court is of the opinion that merely on the basis of the submissions of the petitioner that his signature was forged, the order cannot be quashed, as the same is a matter of evidence. Section 148 Negotiable Instruments Act empowers the appellate Court to direct the appellant to deposit a minimum of twenty percent of the compensation awarded by the trial court. However, in this case, in fact, the appellate Court, imposed a condition to deposit Rs.16,50,000/-, which is below 20% of the compensation amount awarded by the trial Court.

5. Considering the fact that the petitioner/accused is only a third party and in order to balance the rights of the parties, this Court is inclined to modify the condition imposed in M.P.No.1 of 2025 in C.A.No.141 of 2025 vide order dated 06.06.2025.

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.10,00,000/- (Rupees Ten Lakhs only)** towards part of the compensation before the trial Court within a period of one week from the date of receipt of a copy of this order. The appellate Court shall dispose of the appeal as expeditiously as possible on its own merits. Consequently, connected



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miscellaneous petition is closed.

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Neutral Citation: Yes/No

To

1. The Principal District and Sessions Court,
Coimbatore.
2. The I Additional District and Sessions Court,
Coimbatore.
3. The Judicial Magistrate,
Fast Track Court @ Magistrate Level -I, Coimbatore
4. The Public Prosecutor,
Coimbatore.



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Crl.O.P.No.24190 of 2025

N. SATHISH KUMAR, J.

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and Crl.M.P.No.16563 of 2025***

03.09.2025