



WEB COPY

CRL OP No. 9450 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 9450 of 2026

and

CRL MP No.6683 of 2026

B.V.Anbarasu

Petitioner(s)

Vs

Senthil Kumar

Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to allow this petition and call for the records pertaining to the order passed in Crl.M.P.No.1/2024 in C.A.No. 231 of 2024 on the file of the II Additional District and Sessions Judge, Salem dated 14.10.2024 and set aside the same in so far as the order directing the petitioner to deposit 20% of the compensation amount to the trial court in the credit of STC while suspending the sentence imposed in S.T.C.No. 2912/2019 on the file of VI Judicial Magistrate, Salem dated 04.01.2025 is concerned and thus render justice.

For Petitioner(s): Mr.Charles Kamalesh M.Appaji



ORDER

Challenging the order dated 14.10.2024 made in Crl.M.P.No.1 of 2024 in C.A.No.231 of 2024 passed by the learned II Additional District and Sessions Judge, Salem, insofar as the order directing the petitioner to deposit 20% of the compensation amount to the trial court in the credit of STC while suspending the sentence imposed in S.T.C.No. 2912/2019 on the file of VI Judicial Magistrate, Salem, dated 04.01.2025 is concerned, the petitioner has filed the present petition.

Facts in brief:

2. The petitioner/accused was convicted for the offence under Section 138 of Negotiable Instruments Act, 1881, in S.T.C.No.2912 of 2019 on the file of the learned Judicial Magistrate VI, Salem, vide order dated 29.08.2024, sentenced to undergo simple imprisonment for a period of 1 year and directed to pay a fine of Rs.5000/- in default simple imprisonment for 1 month and also directed to pay a compensation of Rs.5,00,000/- to the respondent/complainant.

2.1 Aggrieved by the same, the petitioner preferred an appeal before before the learned District and Sessions Judge, Salem in C.A.No.231 of 2024 along with C.M.P.No.1 of 2024, seeking suspension of sentence, pending



disposal of the appeal. The learned District and Sessions Judge, Salem vide order dated 14.10.2024, while suspending the sentence, directed the petitioner to deposit 20% of the cheque amount to the credit of S.T.C.No.2912 of 2019, on the file of the Judicial Magistrate No.6, Salem. Challenging the same, the petitioner has filed the present petition.

3. The main grievance of the petitioner is that he is unable to mobilise 20% of the cheque amount as directed. It is his specific defence that he had borrowed only a sum of Rs.48,250/- from the respondent through a Bank transaction, which is duly reflected in the statement of account. At the time of borrowal, the petitioner had issued an unfilled promissory note and a cheque to the respondent for security purpose. It is further contended that despite having repaid the entire loan amount, the respondent has not chosen to return the blank promissory note and cheque, and with an intention to unlawfully extract money from the petitioner, filled up the promissory note for a sum of Rs.5,00,000/-. Though the petitioner has raised a specific contention regarding repayment of the borrowed amount, the same has not been seriously disputed by the respondent, and the trial Court has failed to consider the same. Thus, he prays for setting aside the said condition of depositing 20% of the cheque amount.

4. Heard the learned counsel for the petitioner and also perused the



5. Considering the above submission made by the learned counsel for the petitioner and upon perusal of the materials, it is seen that the petitioner has acted as a second hand vehicle broker. It is also noted that he had executed a promissory note for a sum of Rs.5,00,000/-. This Court is of the view that the merits of the claim, that is the amount borrowed and the alleged repayment made by the petitioner cannot now be gone through in this petition and the submission made by the learned counsel for the petitioner cannot be countenanced. The petitioner is directed to deposit 20% of the cheque amount as ordered by the appellate Court to the credit of S.T.C.No.2912 of 2019 on the file of the learned Judicial Magistrate No.6, Salem, within a period of two weeks from the date of receipt of a copy of this order being hosted in the High Court Website.

6. With the above observation and direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

16-04-2026

Jd

Neutral Citation: Yes/No



To

1. The Learned II Additional District and Sessions Judge, Salem.

2. The Learned VI Judicial Magistrate, Salem.

3. The Public Prosecutor,

Madras High Court, Chennai.



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