IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL MP No. 4149 of 2025
in
CRL A No. 394 of 2022

1. M/s Premier Energy & Infrastructure Ltd.
   (PEIL)
   Tangy Apartments,
   No.34, P.V.Cherian Crescent Road, Egmore,
   Chennai 600 008.

2. Krishnan Subramaniam
   S/o.Subramaniam,
   Managing Director,
   M/s. Premier Energy And Infrastructure Ltd.
   (PEIL)
   11, C.P.Ramasamy Street,
   Abirmapuram, Chennai 600081.

3. M. Narayanamurthy
   S/o M.Lakahmanachar,
   Key Functionary De-facto Manager,
   M/s. Premier Energy And Infrastructure Ltd.
   (peil)
   Flat Af-1, Pallava Hights, D.No.54,
   Luz Avenue, Mylapore, Chennai 600004

4. Vikram Mankal
   S/o.Narayanamurthy,
   Managging Director,
   M/s. Premier Energy And Infrastructure Ltd.
   (PEIL)
   Flat AF-1, Pallavahights,
   D.No.54, Luz Avenue, Mylapore,
   Chennai 600004

5. K.N.Narayanan
   S/o Katharamnayaniyer,
   Director,
   M/s. Premier Energy And Infrastruture Ltd.
   (PEIL)
   1C1 Gen Heven,
   New No.26, 3rd Main Road, Gandhi Nagar,
   Adayar, Chennai 600020

   Ramakrishnan Rangaswami
   (Since Deceased On 07.07.2019)
   S/o Rangaswamilyangar,
   Director,
   M/s. Premier Energy And Infrastructure Ltd.
   (PEIL)
   No.27, Old.No.14 Seethammal Road,
   Alwarpet, Chennai 600008

6. A. Sriram
   S/o.R.Aravamudhan,
   Chief Financial Officer,
   M/s.Premier Energy And Infrastructure Ltd.
   (PEIL)
   Rams Flat No.10,
   Door No.12, Gajapathi Road,
   Kilpauk, Chennai - 600 010.

7. T. Murali
   S/o. T.R.R.Rao,
   Senior Manager,
   M/s.Premier Energy And Infrastructure Ltd.
   (PEIL)
   No.40, Mossis Street,
   Easwaran Nagar, Pammal,
   Chennai - 600 075.

..Petitioners

Vs

1. S.Srinivasan
   S/o.Late Sundararajan,
   Flat D, Sri Vidya Apartments,
   No.83/38, Bishop Garden,
   R.A.Puram, Chennai - 600 028.

2. Malka Komaraiah
S/o Malka Venkataya,
Director,
M/s.Premier Energy And Infrastructure Ltd.
(PEIL)
Plot No.96, Dhanalakshmi Co-operative Society,
Mahendra Hills, East Maredpally,
Secunderabad, 500 026.

..Respondents

Prayer : Criminal Miscellaneous Petition is filed to direct the 1st Respondent / complainant to pay the above interest of Rs.65,00,000/- (Rupees Sixty Five Lakhs only) which is payable for the period 01.11.2019 to 31.10.2024.

For Petitioners: Mr.M.Mohammed Rafi

For Respondent(s): Mr.V.Karthic
Senior Counsel
for Mr.M.R.Khapali for R1
Mr.K.E.Baskar for R2

ORDER

This petition has been filed for a direction directing the first respondent to pay interest for the interim compensation which was withdrawn by him by executing a bank guarantee.

2. The petitioners herein are the accused in the complaint lodged by the first respondent herein for the offence punishable under Section 138 of the Negotiable Instruments Act in STC No.6 of 2016 on the file of the Judicial Magistrate, Fast Track Court Magisterial Level at Thiruvallur. After a full-fledged trial, the Trial Court, by order dated 20.01.2017, acquitted the accused.

Aggrieved by the same, the first respondent herein filed an appeal in C.A.No.25 of 2017 before the I Additional Sessions Judge, Thiruvallur. The Appellate Court allowed the appeal, set aside the order of acquittal and convicted the petitioners for the offences punishable under Section 138 of the Negotiable Instruments Act and sentenced them to undergo simple imprisonment for a period of one year and to pay a sum of Rs.10,00,00,000/- as compensation to the first respondent. Aggrieved by the same, the petitioners preferred a revision before this Court in Crl.R.C.No.509 of 2018, along with a petition, to suspend the sentence imposed by the Appellate Court.

3. This Court, while suspending the sentence, directed the accused to deposit a sum of Rs.5,60,00,000/-. Thereafter, the first respondent herein filed a petition in Crl.M.P.No.10833 of 2019 seeking permission to withdraw a sum of Rs.2,00,00,000/- which was deposited by the petitioners herein, while suspending the sentence, as a condition imposed by this Court. This Court, by order dated 23.09.2019, permitted the first respondent herein to withdraw the amount to the tune of Rs.2,00,00,000/- lying to the credit of the revision, on condition that the first respondent shall produce a bank guarantee in order to protect the interest of the petitioners herein. Accordingly, the first respondent was directed to produce a bank guarantee drawn on any Nationalised Bank for a sum of Rs.2,00,00,000/- on or before 14.10.2019, along with an undertaking that, if he fails in the Special Leave Petition before the Hon'ble Supreme Court,

he shall redeposit the said amount within a period of 15 days from the date of disposal of the said SLP. Accordingly, the first respondent furnished a bank guarantee of Rs.2,00,00,000/- and withdrew the said amount which was already deposited by the petitioners to the credit of Crl.R.C.Nos.509, 511 and 744 of 2018 on the file of this Court.

4. Ultimately, all the revisions filed by the accused were dismissed by this Court. Aggrieved by the same, the petitioners/accused preferred Special Leave Petitions before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India set aside the order passed by this Court and also the order passed by the Appellate Court and directed the first respondent herein to file an appeal as against the acquittal before this Court under Section 373 of Code of Criminal Procedure. Accordingly, the first respondent preferred an appeal before this Court in Crl.A.No.394 of 2022. This Court, by order dated 06.07.2022, dismissed the appeal and issued the following directions :

> *"41.After the judgment was pronounced, the learned Senior Counsel brought to the notice of this Court that by virtue of conditional orders of this Court as well as the Hon'ble Supreme Court of India in the earlier rounds, a total of sum of Rs.5,60,00,000/- is deposited in Crl.R.C.No.509, 511 and 744 of 2018. Of the said sum by furnishing a bank guarantee, a sum of Rs.2,00,00,000/- was already withdrawn by the appellants. Therefore, the following orders are passed in respect of the said sum :-*

(i)the sum lying to the credit of the said Crl.R.Cs along with accrued interest is permitted to be withdrawn by the respondents after a period of 30 days from today ;

(ii) the appellant is directed to re-deposit a sum of Rs.2,00,00,000/- within a period of 30 days, failing which, the bank guarantee shall be invoked by the Registry and realize the said sum of Rs.2,00,00,000/- and upon the said realization, the same shall paid over to the respondents."

5. Though this Court permitted the petitioners to withdraw the remaining amount which was lying to the credit of Criminal Revision Cases and also directed the first respondent herein to re-deposit a sum of Rs.2,00,00,000/- which was also withdrawn by him, this Court did not pass any order directing payment of interest on the said amount, as contemplated under Section 148(3) of the Negotiable Instruments Act. Aggrieved by the order passed by this Court in Crl.A.No.394 of 2022, dated 06.07.2022, the first respondent preferred a Special Leave Petition in SLP (Crl) No.6586 of 2022 before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India, by order dated 05.08.2024, dismissed the Special Leave Petition and directed the first respondent to re-deposit a sum of Rs.2,00,00,000/- within a period of three months. Accordingly, the first respondent re-deposited the said amount and the petitioners had withdrawn the same. Now, the petitioners have come forward with this petition seeking interest on the sum of Rs.2,00,00,000/- from the date of withdrawl, till the date of redeposit as contemplated under section 148(3) of the Negotiable Instruments Act.

6. The learned Senior Counsel appearing for the first respondent submitted that this Court, while dismissing the appeal in Crl.A.No.394 of 2022 by order dated 06.07.2022, did not pass any direction for payment of interest on the amount which was already permitted to be withdrawn by the first respondent. It was also confirmed by the Hon'ble Supreme Court of India, after issuance of notice to the petitioners herein, dismissed the Special Leave Petition. In view of the dismissal of the SLP, after issuance of notice, the order passed by this Court has merged with the order passed by the Hon'ble Supreme Court of India. Therefore, if at all the petitioners are aggrieved, they ought to have approached the Hon'ble Supreme Court of India for appropriate relief. He further submitted that the first respondent was permitted to withdraw a sum of Rs.2,00,00,000/- only on furnishing a bank guarantee. Accordingly, the first respondent also deposited two crores value by way of bank guarantee and was permitted to withdraw the said amount. Therefore, the question of payment of interest to the petitioners does not arise.

7. A perusal of the records reveals that, though this Court, while dismissing the appeal filed by the first respondent, directed the petitioners to withdraw the balance amount which was lying in the credit of this Court in Crl.R.Cs and also directed the first respondent to re-deposit a sum of Rs.2,00,00,000/- which was already permitted to be withdrawn by the first

respondent. However, this Court did not pass any order directing payment of interest on the amount which was already withdrawn by the first respondent. It is relevant to extract the provision under Section 148(3) of the Negotiable Instruments Act, which reads as follows :

> "*Section 148(3) of the Negotiable Instruments Act :- The Appellate Court may direct the release of the amount deposited by the appellant to the complainant at any time during the pendency of the appeal.*
>
> *Provided that if the appellant is acquitted, the Court shall direct the complainant to repay to the appellant the amount so released, with interest at the bank rate as published by the Reserve Bank of India, prevalent at the beginning of the relevant financial year, within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the complainant.*"

8. Thus, it is clear that the accused stands acquitted. In such circumstances, the Court shall direct the complainant to repay the amount which was already withdrawn by the complainant with interest at the bank rate as published by the Reserve Bank of India prevailing at the beginning of the relevant financial year. In the case on hand, the first respondent was permitted to withdraw a sum of Rs.2,00,00,000/- by furnishing a bank guarantee and the first respondent had withdrawn the said amount on 01.11.2019. After dismissal of the Criminal Appeal filed by the first respondent before the Hon'ble Supreme

Court of India, the first respondent re-deposited the said amount on 31.10.2024 by way of Demand Draft, which was directly paid to the petitioners. Subsequently, the petitioners were permitted to withdraw the same. Therefore, the first respondent is liable to pay interest for the period from 01.11.2019 to 31.10.2024 at the bank rate as published by the Reserve Bank of India. On the date of withdrawal of the said amount by the first respondent, the Reserve Bank of India fixed the interest at the rate of 6.50% per annum. The bank guarantee can be executed not only by depositing the money but also depositing of any title deed of immovable property. Further, the first respondent had utilised the amount which was already withdrawn by him for the period of which he withdrawn till the date of re-deposit. Therefore, the first respondent shall have to pay interest as contemplated under Section 148(3) of the Negotiable Instruments Act.

9. In view of the above, the first respondent is directed to pay interest at the rate of 6.50% per annum for a sum of Rs.2,00,00,000/- for the period from 01.11.2019 to 31.10.2024, directly to the petitioners herein within a period of sixty days from the date of receipt of a copy of this order. Failing which, the petitioners are at liberty to recover the said interest in accordance with law, under the provisions of the Revenue Recovery Act.

10. With the above direction, this Criminal Miscellaneous Petition is disposed of.

23-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

LPP

G.K.ILANTHIRAIYAN J.

LPP

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