



CNR: KAHC010190072019

NC: 2026:KHC:40189  
CRL.RP No. 882 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31<sup>ST</sup> DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL REVISION PETITION NO.882 OF 2019

BETWEEN:

R NATARAJA NAIKA  
S/O RAMA NAIKA  
AGED ABOUT 30 YEARS  
AGRICULTURIST  
R/AT ALAGATTA  
LAMBNIHATTI VILLAGE  
HOSADURGA TALUK  
CHITRADURGA DISTRICT -573114

...PETITIONER

(BY SRI SREENIVAS C, ADVOCATE A/W  
SRI VIJAY KUMAR A, ADVOCATE)

AND:

STATE BY SRIRAMPUR  
POLICE  
REP. BY PUBLIC PROSECUTOR  
HIGH COURT OF KARNATAKA  
BANGALORE-560 001

...RESPONDENT

(BY SRI M DIVAKAR MADDUR, HCGP)

Digitally signed  
by DEVIKA M  
Location: HIGH  
COURT OF  
KARNATAKA



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THIS CRL.RP IS FILED U/S.397 R/W 401 OF CR.P.C  
PRAYING TO SET ASIDE THE ORDER CONFIRMING THE  
CONVICTION IN CRL.APPL. NO.29/2018 ON THE FILE OF 1<sup>ST</sup>  
ADDL. DISTRICT AND SESSIONS JUDGE, CHITRADURGA,  
DATED 27.11.2018 AND ETC.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,  
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

**ORAL ORDER**

This revision petition is filed against the judgment of  
conviction and sentence dated 26.05.2018 passed in C.C.  
No.64/2018 and also against the judgment of conviction dated  
27.11.2018 passed in Crl.A.No.29/2018.

2. This matter is listed for admission. Heard the  
learned counsel appearing for the petitioner and also the  
learned High Court Government Pleader appearing for the  
State.

3. The factual matrix of the case of prosecution  
against this petitioner is that on 27.05.2015 at 07.45 a.m.  
nearby Garimbeelu gate at Hosadurga to Srirampura road,



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when deceased-Dayananda was riding the motorcycle bearing No.KA-16-W-5792 from Srirampura to Hosadurga, the car bearing No.KA-02-ME-3889 being driven by its driver in a rash and negligent manner from Hosadurga to Srirampura in a opposite direction and dashed against the motorcyclist which has resulted the death of Dayananda, who had sustained the grievous injuries. Hence, the case was registered and police have investigated the matter and filed the charge sheet for the offences punishable under Sections 279 and 304A of IPC. The accused, on appearing has claimed the trial.

4. In order to prove the case of the prosecution, examined nine witness as PW1 to PW9 and got marked the documents at Ex.P1 to P11. The Trial court having considered the evidence particularly, the evidence of PW1 and PW3 who are the eyewitnesses comes to the conclusion that accident was on account of negligence on the part of the revision petitioner. Hence, convicted the petitioner for the offences punishable under Sections 279 and 304A of IPC and sentenced for a period of six months and to pay a fine of Rs.10,000/- in respect of offence punishable under Section 304A of IPC.



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5. Being aggrieved by the said judgment of the Trial Court, an appeal was filed before the Appellate Court. The Appellate Court having reassessed both oral and documentary evidence available on record, confirmed the judgment of the Trial court.

6. Being aggrieved by the concurrent finding of both the Courts, the present revision petition is filed before this Court.

7. The contention of the counsel for the revision petitioner before this Court is that Trial Court as well as Appellate Court fail to consider the material available on record. Though PW1 and PW3 claim that they are the eyewitnesses, their evidence is not credible. Hence, interference of this Court is required.

8. Per contra, the learned High Court Government Pleader appearing for the State would submit that the evidence of PW1 and PW3 who are the eyewitnesses to the incident is consistent and corroborate with each other. The Trial Court taken note of the same in paragraphs 20 and 21 wherein they



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deposed that car went wrong side and dashed against the motorcycle which was coming from the opposite direction. The counsel also brought to notice of this Court the two photographs which were marked as Ex.P2 and P3 and also the rough sketch at Ex.P5 and contend that there is no grounds to interfere with the finding of both the Courts.

9. Having heard the learned counsel for the respective parties and also on perusal of the material available on record, it discloses that the Trial Court considered the evidence of PW1 and PW3 who are the eyewitnesses to the incident. Apart from that taken note of photographs at Ex.P2 and P3 as well as rough sketch at Ex.P5 and rightly comes to the conclusion that the driver of the car went to towards the wrong side and caused the accident against the vehicle which was coming from the opposite direction. When the Trial Court and Appellate Court taken note of evidences of eye-witnesses and also the documentary evidence available on record and so also the IMV report which is marked as Ex.P11, I do not find any error on the part of the Trial Court in convicting the petitioner for the



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alleged offences. Thus, the judgment of both the Courts does not suffers from its legality and correctness.

10. At this juncture, the counsel appearing for the revision petitioner would submit that instead of sentence, this Court can award a monetary compensation to the family of the deceased i.e., wife, who has been examined as PW2. The accident was taken place in 2015 i.e., more than a decade has been elapsed and no purpose will be served in sending the petitioner to the jail to undergo a sentence.

11. Having considered the said submission as well as the judgment of the Apex Court in the case of **MAHADEVANNA D.M. v. STATE OF KARNATAKA AND ANOTHER** passed in **SLP (Crl.)No.4563/2022** dated 18.05.2026 in a case of BMTC driver, an observation is made that confirmation of the sentence shall not come in the way of his service and ordered to pay compensation of Rs.5 lakh.

12. In the case on hand, having considered the age of the deceased person-Dayananda was about 45 years, it is appropriate to ordered to pay the compensation of Rs.4 lakh



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and the same would meet the ends of justice in a case of person who lost his life, the family would be compensated instead of sending the petitioner to jail to undergo for sentence, in lieu of sentence, compensation is awarded.

13. In view of the discussions made above, I pass the following:

**ORDER**

- I. The revision petition is allowed in part.
- II. The impugned judgment of conviction and sentence for the offence under Section 279 of IPC is set aside and the Trial Court is ordered to refund the fine amount, if any deposited to the petitioner/accused in respect of the offence under Section 279 of IPC.
- III. The conviction and sentence in respect of the offence under Section 304(A) of IPC is modified and sentence of six months, in view of awarding of compensation of Rs.4,00,000/- sentence being made as set off.



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IV. Out of Rs.4,00,000/-, Rs.3,80,000/- is ordered to pay in favour of PW2 who is the wife of the deceased on proper identification within six weeks from today. The remaining amount of Rs.20,000/- shall vest with the State.

V. If the revision petitioner fails to deposit the said amount within six weeks, he has to undergo for the sentence as per the judgment of the Trial Court and confirmed by the Appellate Court.

VI. In view of disposal of main petition, I.A. if any, does not survive for consideration and the same stands disposed of.

Sd/-  
**(H.P.SANDESH)**  
**JUDGE**

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