



CNR: KAHC010359752015

NC: 2026:KHC:52216
CRL.A No. 1195 of 2015

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 21ST DAY OF SEPTEMBER, 2026
BEFORE**

**THE HON'BLE MR. JUSTICE G BASAVARAJA
CRIMINAL APPEAL NO. 1195 OF 2015 (C)**

BETWEEN:

1. STATE OF KARNATAKA
BY KOLARA TOWN,
POLICE STATION-563101

...APPELLANT

(BY SRI. K. NAGESHWARAPPA, HCGP)

AND:

1. SYED FAYAZ
32 YEARS,
S/O SYED AHMED, MUSLIM,
MECHANIC, R/AT NEAR TASLIMSHA,
DARGA, SHAHINSHA NAGAR,
KOLAR-563 101.

...RESPONDENT

(BY SRI. R VISHWANATH RAO., ADVOCATE)

CRL.A. FILED U/S.377 CR.P.C BY THE S.P.P. AND
ADVOCATE FOR THE APPELLANT PRAYING THAT THIS HON'BLE
COURT MAY BE PLEASED TO MODIFY THE JUDGMENT AND
ORDER OF CONVICTION OF SENTENCE DATED 20.04.2015
PASSED BY THE PRL. S.J., KOLAR IN S.C.NO.122/2011 IN SO
FAR AS IT RELATES TO IMPOSING INADEQUATE SENTENCE
FOR THE OFFENCE P/U/S 332 OF IPC AND IMPOSE
APPROPRIATE AND ADEQUATE SENTENCE AGAINST THE
RESPONDENT/ACCUSED FOR THE OFFENCE P/U/S 332 OF IPC.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA



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ORAL JUDGMENT

State has preferred this appeal under Section 377 of Cr.PC seeking to modify the judgement of conviction and sentence dated 20.04.2015 in SC No.122 of 2011 passed by the Principal Sessions Judge at Kolar, insofar as it relates to imposing inadequate sentence for the offence punishable under section 332 of Indian Penal Code and to impose proper and adequate sentence for the offence alleged under said section.

2. Sri K. Nageshwarappa, learned High Court Government Pleader has urged the grounds which are urged in the memorandum of appeal and sought to allow the appeal.

3. I have examined the materials placed before the Court. The Circle Inspector of Police, Kolar Circle, Kolar submitted Charge-sheet against the accused for the offence punishable under Sections 279, 323, 332, 504 and 307 of Indian Penal Code and Section 181 and 187 of Motor Vehicles act.

4. The brief facts of the prosecution case are that on 15.05.2011, the complainant and other staff members were on patrolling duty from evening 3:45 pm and they were



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proceeding in a Jeep bearing No.KA-07-G-463. At about 7:45 pm, when they came near Sultan Thippasandra on Therahalli Road, at that time, the accused driving his scooter in a rash and negligent manner was proceeding from Terehalli-Sultan Thippasandra road and the complainant made a sign to the accused to stop the scooter, but he did not stop and he flew away from the spot. In the said process, he fell from the scooter and ran away. It is alleged that the complainant along with his staff apprehended the accused by chasing him near Mahalakshmi Layout, and at that time, accused abused them in filthy language. The complainant asked the accused to produce driving license and other documents pertaining to the scooter. The accused suddenly took out a screwdriver and tried to assault the complainant by attempting on his life. In order to save himself, complainant placed his hand in between and as such, he suffered injury on the right side of his nose and also to his uniform. The accused has caused simple injury to other police officials and has also not produced any records pertaining to the scooter bearing No.KA-02/Q-2941 or his driving license. The complainant took the accused along with



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scooter to the Police Station and lodged complaint against accused alleging that accused drove the scooter in a rash and negligent manner and also obstructed him and other staff from discharging their duties as public servants and caused injury to him and also attempted on his life by assaulting him with screwdriver. On the basis of this complaint, the investigating officer registered the case and submitted FIR. He has sent the complainant to General Hospital, where complainant has taken treatment. The investigating officer has seized the scooter. Thereafter, he visited the spot, drawn Spot mahazar, recorded the statement of each witnesses and as there were sufficient grounds to proceed against the accused, he has submitted charge-sheet against the accused for the offences punishable under Sections 279, 332, 320 3, 504 and 307 of Indian Penal Code and Sections 181 and 187 of Motor Vehicles act .

5. After submission of charge-sheet, case was registered against the accused and thereafter it was committed to the court of Sessions. Accused appeared before the trial court and was enlarged on bail. The charge was framed against the accused and explained to him in the language known to him.



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Having understood the same accused pleaded not guilty and claimed to be tried.

6. To prove the guilt of the accused, in all, 11 witnesses were examined as PWs1 to 11 and eight documents were marked as Exhibits P1 to P8. On closure of prosecution side evidence, statement of the accused under Section 313 of Cr.PC was recorded. Accused has totally denied the evidence of prosecution witnesses. However, he did not choose to lead any defence evidence on his behalf. Having heard the arguments on both sides, the trial Court convicted the accused for the offence under Sections 323, 332 of IPC and Sections 181 and 187 of Motor Vehicles Act. The trial Court acquitted the accused of the offence under Sections 279, 504 and 307 Indian Penal Code. Accused has not preferred any appeal against the judgement of conviction. State also has not preferred any appeal questioning the acquittal of the accused of the offence punishable under Sections 279, 504 and 307 of Indian Penal Code. However, State has preferred the appeal under Section 377 of Cr.PC for enhancement of sentence passed in respect of



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the offence punishable under Section 332 of Indian Penal Code.

7. While passing the order on, the trial court has observed as under:

"The offence U/s.332 IPC is punishable with imprisonment, which may extend up to 3 years or with fine or both. As observed above, some scuffle has taken place between accused and complainant party and in the said process, the accused has deterred the public servant by causing injury to him. Hence looking to the nature of the offence and the manner in which it is caused, I do not find that this is a fit case wherein maximum sentence can be imposed. Further the accused is facing unnecessary trial for the offence U/s.307 IPC. Hence looking to the facts and circumstances of the case and period of detention of the accused in judicial custody, in my considered opinion, it is just and proper to impose imprisonment for a period of 10 days which will serve the purpose along with fine of Rs.2,000/-.

Further the offences U/s.181 and 187 of MV Act are punishable with imprisonment for a period, which may extend up to 3 months or fine of Rs.500/- or both. Looking to the facts and circumstances of the case, I do not incline to impose sentence of imprisonment for these offences and in my considered opinion, a fine of Rs.500/- for each offence will serve the purpose."



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8. The trial Court has clearly observed that the accused is facing unnecessary trial for the offence under Section 307 of Indian Penal Code. The trial Court has also observed that some scuffle had taken place between accused and complainant and in the said process, accused has deterred the public servant by causing injury to him. Hence, looking to the nature of the offence and the manner in which it is caused, it was not a fit case wherein maximum sentence can be imposed. Further, it is observed that the accused is facing unnecessary trial for the offence under Section 307 IPC. The injury is simple in nature. Considering the facts and circumstances of the case, the trial court has properly imposed the sentence for the offence punishable under Section 332 of Indian Penal Code and Sections 181 and 187 of Motor Vehicles Act. The same reads as under:

"The accused is sentenced to undergo simple imprisonment for a period of 10 days and to pay a fine of Rs.2000/- and in default, further imprisonment for a period of one week, for the offence punishable U/s.332 of IPC.

The accused is sentenced to pay a fine of Rs.500/- and in default, he shall undergo imprisonment for a period



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of one week, for the offence punishable U/s.181 of MV Act.

The accused is sentenced to pay a fine of Rs.500/- and in default, he shall undergo imprisonment for a period of one week, for the offence punishable U/s.187 of MV Act.

The bail bond executed by the accused stands cancelled.

The period of detention of accused in judicial custody is set off against sentence imposed U/s.428 Cr.P.C."

9. On careful examination of the entire material on record, I do not find any legal or factual error committed by the trial Court. Hence, I proceed to pass the following:

ORDER

Appeal is dismissed.

**Sd/-
(G BASAVARAJA)
JUDGE**

Inn
LIST NO.: 1 SL NO.: 73