



CNR: KAHC010405802016

NC: 2026:KHC:39114
CRL.RP No. 1156 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JULY, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO.1156 OF 2016

BETWEEN:

KUNTAIGOWDA M
S/O MAYANNAGOWDA
AGED ABOUT 66 YEARS
R/AT NO.1008, 1ST FLOOR
13TH CROSS
HEBBAL 2ND STAGE
MYSORE-570016

...PETITIONER

(BY SRI. PRITHVI RAJ B N, ADVOCATE)

AND:

B N CHANNAMMA
D/O NANJIAH
AGED ABOUT 68 YEARS
R/AT DOOR NO.181
7TH CROSS, VIDYANAGAR
MYSORE-570002

...RESPONDENT

(BY SRI H A MANJUNATHA, ADVOCATE)

THIS CRL.RP IS FILED U/S.397 AND 401 OF CR.P.C
PRAYING TO SET ASIDE THE JUDGMENT AND SENTENCE
DATED 07.12.2015 PASSED BY THE V ADDL. I C.J. AND
J.M.F.C., MYSORE IN C.C.NO.2052/2012 AND ETC.

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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

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

ORAL ORDER

The counsel for the petitioner filed a memo reporting death of the petitioner along with the copy of the death certificate. The same is taken on record.

2. The counsel appearing for the petitioner would submit that the legal heirs of the revision petitioner are not interested to come on record to dispute the fine.

3. In view of the judgment of the Apex Court reported in **(2020) 3 SCC 45** in the case of **RAMESAN (DEAD) THROUGH LEGAL REPRESENTATIVE GIRIJA A VS STATE OF KERALA**, wherein the Apex Court taking into note Section 394 (2) of Cr.P.C. held that it is a continuance of criminal appeal after death of Appellant-accused. Appeal arising from composite sentence of imprisonment as well as fine, such appeal on death of appellant/accused must be treated as an appeal against a sentence of fine and therefore must not abate



with regard to that sentence of the fine as provided under Section 394(2) of Cr.P.C., resultantly, present appeal before High Court being against sentence of fine was required to be heard against that sentence despite death of appellant/accused. Practice and procedure abatement of sentence of fine. The Apex Court also relied upon the judgment of **HARMAN SINGH vs STATE OF HIMACHAL PRADESH** reported in **(1975) 3 SCC 343**, wherein also the Apex Court categorically held that even if sentence of fine is imposed along with the sentence of imprisonment, under Section 431 of Cr.P.C., such appeal shall not abate. The similar expression, which was used in Section 431 of the Cr.P.C., i.e. "except an appeal from the sentence of fine" has been used in Section 394 of Cr.P.C. Thus, the appeal in the present case where the accused was sentenced for imprisonment as well as for fine has to be treated as an appeal against fine and was not to abate. Consequently, the appeal before the High Court being against sentence of fine was required to be heard against the sentence of fine despite the death of the appellant/accused. The High



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Court rightly did not direct for abatement of appeal and proceeded to consider the appeal on merits.

4. In view of the submission made by the counsel appearing for the petitioner that legal heirs are not ready to continue with the proceedings with regard to the fine is concerned, the respondent is given liberty to enforce with regard to the fine is concerned as against the legal representatives of the petitioner. With this observation, the revision petition is disposed of.

5. The amount in deposit is ordered to be released in favour of the respondent on proper identification.

Sd/-
(H.P.SANDESH)
JUDGE

SN