



CNR: KAHC010435082026

NC: 2026:KHC:54721
CRL.RP No.1040 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 1ST DAY OF OCTOBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE H.P.SANDESH
CRIMINAL REVISION PETITION NO.1040 OF 2026

BETWEEN:

1. MR. SAGAR @ SAGAR S. SANIL
S/O SRINIVAS BHAGYAN
AGED ABOUT 36 YEARS.
2. MR. SANTHOSH SANIL
S/O SRINIVAS BHAGYAN
AGED ABOUT 36 YEARS.

BOTH ARE R/AT KUTTIKALA HOUSE
DEVASYAPADURU VILLAGE
BANTWAL TALUK- 574211.

...PETITIONERS

(BY SRI. YATHIN B, ADV.,)

AND:

1. THE STATE OF KARNATAKA
THROUGH INSPECTOR OF POLICE
RURAL POLICE STATION
BANTWAL-574211
REP. BY THE STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE-01.

...RESPONDENT

(BY SRI. SUHAS GOWDA M, HCGP)

THIS CRL.RP IS FILED U/S 438 R/W SECTION 442 OF
THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023,
PRAYING TO SET ASIDE JUDGMENT DATED 04.03.2026

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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PASSED BY THE COURT OF THE II ADDL. DISTRICT AND SESSIONS JUDGE, D.K. MANGALORE IN CRIMINAL APPEAL NO.102/2026 IN SO FAR AS IT PERTAINS TO CONFIRMING THE JUDGMENT OF CONVICTION PASSED BY THE TRIAL COURT IN CC.NO.487/2019 FOR THE OFFENCE U/S 323, 504 AND 506 OF IPC IS CONCERNED & 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

Heard the learned counsel for the revision petitioners and the learned counsel for the respondent.

2. The prayer sought in this revision petition is to set aside the judgment dated 04.03.2026 passed by the Court of II Additional District and Sessions Judge, D.K. Mangaluru, in Criminal Appeal No.102/2026, insofar as it pertains to confirming the judgment of conviction passed by the trial Court in C.C.No.487/2019 for the offences punishable under Sections 323, 504 and 506 of IPC is concerned. The other prayer is to set aside the judgment of conviction dated 06.04.2024 and order of sentence dated 06.04.2024 passed by the Court of Additional Civil Judge and JMFC, Bantwal, D.K. in C.C.No.487/2019, insofar as it pertains to conviction for the



offence punishable under Sections 323, 504 and 506 of IPC and grant such other relief as in the circumstances of the case.

3. The factual matrix of the case of prosecution is that the both the accused, on 08.11.2018 at about 08:15 p.m. with the common intention, abused the PW1, using objectionable language, and accused No.1 hit right wrist using wooden board and pushed him on the ground. Consequently, PW1 sustained injury over his left knee and below the right stomach and when PW2, who witnessed the incident, came to spot, both the accused gave life threat to PW1. It is also the case of the prosecution that while taking the car of relatives who came to the house of PW1 for celebrating Deepavali festival, when PW1 allowed the car to be turned around by removing the wooden board placed in the disputed place and since both have dispute over the land in question relating to a civil suit, the incident has taken place. Based on the complaint, case was registered and after investigation, the charge sheet was filed.

4. The trial Court considering, particularly the evidence of PWs1 and 2 i.e., injured and his wife, and also



considering the evidence of PWs.3 to 6 and documentary evidence as per Ex.P1 complaint, Ex.P3 intimation, Ex.P4 First Information Report and Ex.P5 wound certificate, so also, considering the evidence of the doctor PW5 and his opinion as per Ex.P6, comes to the conclusion that the incident was taken place and accused Nos.1 and 2 inflicted the injury on PW1 and also caused the life threat and abused him in a filthy language, PW1 had sustained the injuries hospitalized for a period of 10 days. The trial Court considering the material on record convicted the accused for the offence punishable under Section 326 of IPC including other offences.

5. However, the appellate Court having reassessed the material on record comes to the conclusion that in order to invoke Section 326 of IPC, though PW1 was subjected to surgery and he had suffered the fracture, X-ray is not produced and having considered the same, reduced the conviction from the offence punishable under Section 326 to Section 324 of IPC; however, the evidence of PW1 is extracted in paragraph Nos.21 to 23 and reasonings are given in paragraph No.24 and comes to the conclusion that looking into the entire evidence it



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is clear that prosecution has proved the guilt of the accused and trial Court considered the oral and documentary evidence available on record in a proper perspective and comes to the conclusion and there is no error on the part of the trial Court in convicting the accused. But only in paragraph No.25 the appellate Court comes to the conclusion that PW5 has clearly admitted that injury No.2 can be treated without surgery. Wound certificate does not indicate the injured was admitted as an inpatient for long time and surgery was conducted for fracture of right wrist i.e. injury No.2. The evidence placed on record clearly indicates that the incident took place on 08.11.2018. The mahazar was also done and an observation is made that prosecution has not placed on record other medical evidence to show that injury sustained by PW1 was so severe and hence, the appellate Court comes to the conclusion that the prosecution failed to prove the offence punishable under Section 326 of IPC but the evidence placed on record indicates ingredients of Section 324 were made out and hence, modified the judgment of the trial Court. Being aggrieved by the concurrent findings in respect of the incident and also the



nature of injuries and modification of the judgment, the present revision petition is filed before this Court. The State has not challenged the modification of the order passed by the Appellate Court from the offence punishable under Section 326 to Section 324 IPC.

6. The main contention of the learned counsel appearing for the petitioners is that both Courts below failed to consider the grounds which have been urged by the petitioners and the evidence of the doctor PW5 is very clear that injured was brought with a history of assault by hands and wooden sticks, but seized article as a weapon is wooden board as per Ex.P2 mahazar. PW5 also explicitly admitted in cross-examination that there is a difference between a wooden board and a wooden stick. The material mismatch completely undermines the case of the prosecution. The learned counsel also contend that both the Courts below failed to consider the evidence of PWs1 and 2, who are the husband and wife, that there was a civil dispute between PW1 and the accused and only with an intention to get a favourable order in respect of the civil dispute is concerned, the accused were falsely



implicated in the case and the same was not taken note of by both the Courts below. Hence, the judgment of conviction and order of sentence passed by the trial court as well as its confirmation by the appellate Court suffers from legality and correctness and hence, this Court has to exercise the revisional powers. Hence, seeks to allow the petition.

7. Per contra, learned counsel appearing for the respondent-State would submit that both the Courts below have taken note of the evidence of PW1 i.e. injured witness, and PW2, though she is the wife of PW1, but she had witnessed the incident hence she is an eyewitness, and also taken note of Ex.P5 wound certificate, so also, the evidence of the doctor and not committed any error. The appellate Court also exercised its appellate jurisdiction by modifying the sentence from the offence punishable under Section 326 to Section 324 IPC. When the judgment of conviction and sentence does not suffer from its legality and correctness, even with regard to the sentence also i.e., reducing the sentence from two years to three months. Learned counsel would also submit that PW1 was in



the hospital for a period of 10 days and medical evidence also corroborates the same. Hence, he seeks to dismiss the petition.

8. Having heard the learned counsel for the petitioner and also the learned counsel for the respondent, the points that would arise for the consideration of this Court are:

- i. Whether the Courts below committed an error in believing the evidence of PWs1 and 2 and medical evidence and the judgment of conviction and sentence suffers from its legality and correctness?
- ii. What order?

9. Having considered the grounds which have been urged and main reason urged by the learned counsel appearing for the petitioners that the weapon which was used is a wooden board and not a wooden stick and the evidence before the Court is that it was a wooden stick and the same cannot be a ground to come to other conclusion in the revision petition. The only scope of the revision petition is if the evidence of the



witnesses has not been properly appreciated and if it suffers from its legality and correctness and if it leads to miscarriage of justice then only the Court can exercise its revisional powers. The scope and ambit of revision is very limited and this Court sitting in the revision cannot re-appreciate the evidence available on record and only if the factual aspects as well as question of law has not been properly considered by both the Courts below, under such circumstances, the Court can exercise the revisional powers. The evidence available on record of PW1 injured witness and PW2 eye-witness, though she is the wife of PW1, supports the case of the prosecution and apart from their evidence, medical evidence also supports the case of the prosecution. The appellate Court also exercised its appellate jurisdiction and re-appreciated the evidence and the fact that PW1 had suffered the fracture to his wrist is also not in dispute, wound certificate Ex.P5, so also, the medical evidence of the doctor, who has been examined as PW5, is also very clear regarding the nature of injuries and that PW1 had suffered the fracture.



10. When such being the case and when the order of the trial Court and appellate Court do not suffer from its legality and correctness and the same is considered in a proper perspective and in a criminal case minor discrepancies is bound to occur and the Court also cannot expect mathematical niceties in a criminal case to acquit the petitioners. Hence, the appreciation of evidence as well as the reasoning of the trial Court, so also, with regard to the sentence is concerned, the appellate Court already exercised its appellate jurisdiction and reduced the sentence by modifying the conviction from the offence punishable under Section 326 to Section 324 of IPC and the maximum punishment imposed is also three months for the offence punishable under Section 324 of IPC and in respect of other offences also the sentence imposed is three months and when such being the case, the sentence for all the offences also runs concurrently.

11. When such being the case, I do not find any grounds to interfere with the findings of the trial Court both in respect of conviction and sentence, which has been modified by the appellate Court for the offence punishable under Section



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324 of IPC instead of Section 326 of IPC. Hence, no ground is made out to exercise the revisional powers. Hence, the above point is answered in the Negative. In view of the discussions made above, I pass the following:

ORDER

Criminal Revision Petition is ***dismissed***.

Sd/-
(H.P.SANDESH)
JUDGE

BSR
List No.: 1 Sl No.: 18