



CNR: KAHC010447162019

NC: 2026:KHC:38460
CRL.RP No. 1387 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL REVISION PETITION NO.1387 OF 2019

BETWEEN:

GANGAPPA
S/O. LATE NINGAPPA
MUKUNDURU HASAHALLI VILLAGE
KATTAYA HOBLI
HASSAN TALUK AND DISTRICT-573 201.

...PETITIONER

(BY SRI SANDESH T.B., ADVOCATE)

AND:

STATE OF KARNATAKA
BY HOLENARASIPURA TOWN POLICE
HOLENARASIPURA TALUK
HASSAN DISTRICT-573 211
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BENGALURU-560 001.

...RESPONDENT

(BY SRI TEJESH P., H.C.G.P.)

* * *

THIS CRIMINAL REVISION PETITION IS FILED UNDER SECTION 397 R/W 401 OF THE CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 29.07.2019 PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE AT HASSAN IN CRIMINAL APPEAL NO.176 OF 2016 CONFIRMING THE ORDER OF CONVICTION AND SENTENCE PASSED BY THE CIVIL JUDGE AND JMFC AT HOLENARASIPURA IN CRIMINAL CASE NO.859 OF 2014 DATED 16-08-2016 FOR THE

Digitally
signed by
RAKSHA
Location:
High
Court of
Karnataka



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OFFENCES PUNISHABLE UNDER SECTIONS 279 AND 304-A OF IPC
BY ALLOWING THIS CRIMINAL REVISION PETITION.

THIS CRIMINAL REVISION PETITION, COMING ON FOR FINAL
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

Heard Sri. Sandesh P.B, learned counsel for the petitioner
and Sri. Tejesh. P, learned H.C.G.P for respondent-State.

The petitioner has filed this petition under Section 397
r/w 401 Cr.P.C., 1973 praying to set-aside the order of
conviction passed by learned Civil Judge and JMFC,
Holenarasipura in C.C.No.859/2014 dated 16.08.2016 and also
the judgment passed by learned Prl. District and Sessions
Judge, Hassan in CrI.A.No.176/2016 dated 29.07.2019.

2. For the sake of convenience, the parties will be
referred as per their ranking before the trial Court. The
petitioner is 'accused' and the respondent is the 'State' before
the trial Court.



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3. Brief facts of the prosecution case are as under:-

On 04.05.2014 at about 1.00 p.m., the revision petitioner/accused, who was the rider of the motor cycle bearing registration No.KA-13-Y-1282, rode the same in rash and negligent manner so as to endanger human life and dashed against Tholachamma on Goruru-Hangarahalli road, near Hanumanahalli road, when deceased Tholachamma and four others were proceeding on the left side of the road, thus, she sustained injuries and succumbed to the injuries.

4. Therefore, PW.1 has lodged the complaint and on the basis of the complaint, Holenarsipura police registered the case, later, during the course of investigation conducted investigation and filed the charge sheet against the accused for the offence punishable under Sections 279 and 304A IPC.

5. The trial Court recorded the plea of the accused, the accused pleaded not guilty and claimed to be tried.

6. The prosecution in order to prove its case examined in all nine witnesses as PWs.1 to 9 and got marked in all 11 documents as per Exs-P1 to P11. The case of the accused was



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of total denial. The trial Court ultimately convicted the accused for the offence punishable under Sections 279 and 304A IPC and sentenced the accused to undergo simple imprisonment for a period of six months for the offence punishable under Section 304A IPC and pay fine of Rs.2,000/- for the offence under Section 304A IPC and imposed fine of Rs.1,000/- for the offence punishable under Section 279 IPC.

7. Aggrieved by the judgment of conviction passed by the trial Court, the petitioner preferred an appeal before the learned Prl. District & Sessions Judge, Hassan in Crl.A.No.176/2016 and in-turn, the First Appellate Court confirmed the judgment of conviction and sentence passed by the trial Court. Being aggrieved by the same, the accused has filed this appeal.

8. Sri. Sandesh T.B., learned counsel for the revision petitioner-accused contended that both the Courts have come to wrong conclusion on the basis of evidence of PWs 1 to 4, who are relatives of the deceased and interested witnesses and further none of the witnesses have stated about the rash and negligent riding of the accused. However, the trial Court as well



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as first appellate Court have wrongly convicted the accused. Thus, he prayed to allow the revision petition.

9. Sri. Tejesh P, learned H.C.G.P appearing for the respondent State submitted that both the Courts have given concurrent findings on the basis of the material available on record and therefore, he justified the judgment passed by the trial Court as well as the first appellate Court. Further, he contended that the scope of interference on the factual aspects is very limited and he prayed to dismiss the petition.

10. The evidence on record shows that the accused did not dispute the occurrence of the accident and his identity. Further, the accused did not choose to enter the witness box to substantiate his defence or expose himself for cross-examination on such aspects. The cumulative effect of entire evidence on record leads to the conclusion that the accident was the outcome of rashness and negligent act on the part of the accused. Therefore, the contention of the accused that the prosecution witnesses have failed to prove his rash or negligent act, itself does not render the finding of the trial Court and the first appellate Court as illegal, perverse and improper. The fact



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that the trial Court has rightly appreciated that if the accused had rode his motorcycle with care and caution, he could have avoided the accident, but due to his negligence, deceased Tholachamma sustained injuries and succumbed to the injuries on the spot itself is justified. Therefore, the trial Court, considering the legal and practical aspects of the matter, the antecedents and character of the accused, imposed minimum sentence of six months for the offence punishable under Section 304A of IPC. Then the question that arises for consideration of this Court is:-

"Whether the petitioner has made out grounds that the impugned judgment and order of sentence passed by the trial Court and confirmed by the first appellate Court is not sustainable, as there is error apparent on the face of record?"

11. Learned counsel for the revision petitioner submits that the accused has no criminal antecedents nor he had any intention to cause the accident and now he is aged about 68 years, is the only bread earner in the family and if he is languished in jail, more injustice would be caused to his family and thus, he prayed for taking lenient view in the matter.



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12. The maximum sentence imposed by the Trial Court is six months for the offence punishable under Section 304A of IPC. As to the question whether it is desirable to impose minor or negligent sentence in the case of offence under Section 304A of IPC, the Hon'ble Supreme Court, referring to its several earlier judgments, in the case of **GURU BASAVARAJ @ BENNE SETTAPPA VS. STATE OF KARNATAKA** reported in **(2012) 8 SCC 734** at paragraph Nos.22, 23, 28, 30 and 32 held as follows:

"22. In Dalbir Singh v. State of Haryana, this Court expressed thus.

13. Bearing in mind the galloping trend in road accidents in India and the devastating consequences visiting the victims and their families, criminal courts cannot treat the nature of the offence under Section 304A IPC as attracting the benevolent provisions of Section 4 of the PO Act. While considering the quantum of sentence, to be imposed for the offence of causing death by rash or negligent driving of automobiles, one of the prime considerations should be deterrence."

23. Thereafter, the Court proceeded to highlight what is expected of a professional driver:

"13. A professional driver pedals the accelerator of the automobile almost throughout his working hours. He must constantly inform himself that he cannot



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afford to have a single moment of laxity or inattentiveness when his leg is on the pedal of a vehicle in locomotion. He cannot and should not take a chance thinking that a rash driving need not necessarily cause any accident; or even if any accident occurs it need not necessarily result in the death of any human being; or even if such death ensues he might not be convicted of the offence; and lastly, that even if he is convicted he would be dealt with leniently by the court. He must always keep in his mind the fear psyche that if he is convicted of the offence for causing death of a human being due to his callous driving of vehicle he cannot escape from jail sentence. This is the role which the courts can play, particularly at the level of trial courts, for lessening the high rate of motor accidents due to callous driving of automobiles."

28. In *Alister Anthony Pareira v. State of Maharashtra*[10], it has been laid down that sentencing is an important task in relation to criminal justice dispensation system.

84. One of the prime objectives of the criminal law is imposition of appropriate, adequate, just and proportionate sentence commensurate with the nature and gravity of crime and the manner in which the crime is done. There is no straitjacket formula for sentencing an accused on proof of crime. The courts have evolved certain principles: twin objective of the sentencing policy is deterrence and correction. What sentence would meet the ends of justice depends on the facts and circumstances of each case and the court must keep in mind the gravity of the crime, motive for the crime, nature of the offence and all other attendant circumstances. It has been further opined that



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85. The principle of proportionality in sentencing a crime-doer is well entrenched in criminal jurisprudence. As a matter of law, the proportion between crime and punishment bears the most relevant influence in the determination of sentencing the crime-doer. The court has to take into consideration all aspects including the social interest and [conscience] of the society for award of appropriate sentence.

30. From the aforesaid authorities, it is luminous that this Court has expressed its concern on imposition of adequate sentence in respect of commission of offences regard being had to the nature of the offence and demand of the conscience of the society. That apart, the concern has been to impose adequate sentence for the offence punishable under Section 304-A of the IPC. It is worthy to note that in certain circumstances, the mitigating factors have been taken into consideration but the said aspect is dependent on the facts of each case. As the trend of authorities would show, the proficiency in professional driving is emphasized upon and deviation therefrom that results in rash and negligent driving and causes accident has been condemned. In a motor accident, when a number of people sustain injuries and a death occurs, it creates a stir in the society; sense of fear prevails all around. The negligence of one shatters the tranquillity of the collective. When such an accident occurs, it has the effect potentiality of making victims in many a layer and creating a concavity in the social fabric. The agony and anguish of the affected persons, both direct and vicarious, can have nightmarish effect. It has its impact on the society and the impact is felt more when accidents take place quite often because of rash driving by drunken, negligent or, for that matter, adventurous drivers who have, in a way, no concern for others. Be it noted, grant of compensation under the provisions of the Motor Vehicles Act, 1988 is in a different sphere



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altogether. Grant of compensation under Section 357(3) Cr.P.C. with a direction that the same should be paid to the person who has suffered any loss or injury by reason of the act for which the accused has been sentenced has a different contour and the same is not to be regarded as a substitute in all circumstances for adequate sentence.

32. We may note with profit that an appropriate punishment works as an eye- opener for the persons who are not careful while driving vehicles on the road and exhibit a careless attitude possibly harbouring the notion that they would be shown indulgence or lives of others are like "flies to the wanton boys". They totally forget that the lives of many are in their hands, and the sublimity of safety of a human being is given an indecent burial by their rash and negligent act."

13. The Hon'ble Supreme Court in the case of **STATE OF PUNJAB VS. SAURABH BAKSHI** reported in **(2015) 5 SCC 182**, for an offence under Section 304-A of IPC, the Hon'ble Apex Court has reduced the sentence of imprisonment from one year to six months of rigorous imprisonment.

14. Whereas in the instant case, the trial Court convicted the petitioner for the offence under Section 304A IPC and sentenced him to six months imprisonment and the same is confirmed by the first appellate Court.



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15. Insofar as the contention of learned counsel for the petitioner with regard to evidence of interested witnesses is concerned, PW Nos.1 to 4 are the eyewitnesses to the incident. They have categorically stated that on the day of the accident, they were proceeding on Goruru-Hangarahalli road, near Hanumanahalli road, along with deceased Tholachamma. They were proceeding on the left side of the road. At that time, the accused, being the rider of Bajaj Discovery bike bearing registration No.KA-13-Y-1282, came in rash and negligent manner and dashed to Tholachamma, thereby causing the accident. Hence, Tholachamma succumbed to the injury at the spot. No doubt, PW.2 - an eye witness to the incident partly turned hostile and in the cross-examination, she has admitted that she do not know the date of the incident and PW.3, in her cross-examination has stated that she do not know the speed of the vehicle and she do not remember the date of accident. Since PWs.2 and 3 failed to depose about the date of accident, their entire testimony cannot be brushed aside, as they have clearly stated that the accused came in his motorcycle and dashed to deceased Tholachamma. Hence, there is clear and



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corroborative evidence insofar as rash or negligent riding of the accused, which caused the accident. They have identified the accused before the Court. Hence, there is no false implication of these witnesses in the case on the ground of relationship of PW Nos.1 to 4 with the deceased.

16. The revision petition is filed against concurrent findings of the trial Court and first appellate Court.

17. The "scope of revision" refers to the limited authority of a higher Court to review judgment of the trial Court and the First Appellate Court, focusing on correcting errors in jurisdiction or gross legal/factual flaws rather than re-examining the merits of the case. This power is exercised sparingly and is intended to set right a patent defect, not to function as an automatic second appeal. The specific grounds and limitations vary between civil and criminal proceedings. Revisions can address situations where the decision is grossly inaccurate, not supported by evidence, or where relevant evidence was ignored. The review is not a fresh trial. Courts are generally barred from re-examining evidence or substituting the own judgment for the lower Court's on matters of fact



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unless the findings are demonstrably perverse or arbitrary. The Hon'ble Apex Court has discussed the applicability and substantiated the real findings recorded by the Courts.

18. The Hon'ble Apex Court in the case of **MUNNA DEVI v. STATE OF RAJASTHAN AND ANOTHER** reported in **(2001) 9 SCC 631** while discussing the scope of Section 397 of the Cr.P.C. at paragraph No.3 has held as under:

"3. xxx xxx xxx. The revision power under the Code of Criminal Procedure cannot be exercised in a routine and casual manner. While exercising such powers the High Court has no authority to appreciate the evidence in the manner as the trial and the appellate courts are required to do. Revisional powers could be exercised only when it is shown that there is a legal bar against the continuance of the criminal proceedings or the framing of charge or the facts as stated in the first information report even if they are taken at the face value and accepted in their entirety do not constitute the offence for which the accused has been charged."

19. The Hon'ble Apex Court in the case of **STATE OF TAMIL NADU v. R. SOUNDIRARASU AND OTHERS** reported in **(2023) 6 SCC 768** at paragraph No.79 has held as under:

"79. Thus, the revisional power cannot be exercised in a casual or mechanical manner. It can only be



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exercised to correct manifest error of law or procedure which would occasion injustice, if it is not corrected. The revisional power cannot be equated with the appellate power. A Revisional Court cannot undertake meticulous examination of the material on record as it is undertaken by the trial court or the appellate court. This power can only be exercised if there is any legal bar to the continuance of the proceedings or if the facts as stated in the charge-sheet are taken to be true on their face value and accepted in their entirety do not constitute the offence for which the accused has been charged. It is conferred to check grave error of law or procedure."

20. Further, the Hon'ble Apex Court in the case of **STATE OF MAHARASHTRA v. SUJAY MANGESH POYAREKAR** reported in **(2008) 9 SCC 475** at paragraph No.16 has held as under:

"16. xxx xxx xxx. Now it is well settled that revisional jurisdiction can be exercised sparingly and only in exceptional cases. A Revisional Court cannot convert itself into a regular court of appeal."

Therefore, the revisional jurisdiction should normally be exercised in exceptional cases, when there is a glaring defect in the proceedings or there is a manifest error of point of law and consequently, there has been a flagrant miscarriage of justice.



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21. Therefore, the revisional jurisdiction should be exercised in exceptional cases, when there is a glaring defect in the proceedings or there is a manifest error of point of law and consequently, there has been a flagrant miscarriage of justice.

22. In the present case, the trial Court as well as the First Appellate Court, considering the oral and documentary evidence on record and the peculiar facts and circumstances of the case, has convicted the petitioner for the offence punishable under Sections 279 and 304A of IPC, which does not require any interference by this Court as the sentence imposed by the trial Court is minimal i.e., 6 months of imprisonment for the offence punishable under Section 304A IPC.

Hence the revision petition filed by the petitioner is dismissed.

In view of disposal of the revision petition, pending inter-locutory applications stand disposed of.

Sd/-
(VENKATESH NAIK T)
JUDGE

MN
List No.: 1 Sl No.: 23