HC-KAR

NC: 2026:KHC:59819
CRL.RP No. 112 of 2026

CNR: KAHC010036892026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE GEETHA K.B.

CRIMINAL REVISION PETITION NO. 112 OF 2026

BETWEEN:

MR. MADAN MOHAN D
S/O DINESH KUMAR,
AGED 24 YEARS,
RESIDING AT NO.462, 9TH CROSS,
13TH MAIN, GOKULA 1ST STAGE,
1ST SPEC, MATTIKERE,
BENGALURU - 560 054.

...PETITIONER

(BY SRI. BINU M, ADVOCATE)

AND:

STATE OF KARNATAKA
BY SAGAR RURAL P.S.,
REP. BY HCGP /SPP,
HIGH COURT OF KARNATAKA

...RESPONDENT

(BY SRI. VINAY MAHADEVAIAH, HCGP)

THIS CRL.RP IS FILED U/S 397 R/W 401 OF CR.PC (FILED U/S 438 R/W 442 BNSS) PRAYING TO SET ASIDE THE JUDGEMENT OF CONVICTION AND ORDER OF SENTENCE DTD 02.07.2025, PASSED IN C.C.NO.850/2023, BY THE LRD. PRL. SENIOR CIVIL JUDGE AND JMFC, AT SAGAR AND THE JUDGEMENT DTD 29.11.2025 PASSED IN CRL.A.NO.10052/2025, PASSED BY THE V ADDL. DISTRICT AND SESSIONS JUDGE, SHIVAMOGGA, (SITTING AT SAGAR) AND ACQUIT THE ACCUSED FOR ALL THE CHARGES.

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

CORAM: HON'BLE MRS. JUSTICE GEETHA K.B.

ORAL ORDER

This is the revision petition filed under Section 397 read with 401 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.) by the Revision Petitioner/accused challenging the judgment of conviction and order of sentence dated 02.07.2025 passed in CC No.850/2023 on the file of Prl. Senior Civil Judge and JMFC, Sagar (in short 'the Trial Court') confirmed in the judgment dated 29.11.2025 passed in Criminal Appeal No.10052/2025 on the file of V Addl. District and Sessions Judge, Shivamogga (sitting at Sagar) (in short 'the appellate Court').

2. Parties shall be referred with their ranks, as they were before the trial Court for the sake of convenience and clarity.

3. The charge-sheet is filed against accused alleging the offences punishable under Sections 279, 337, 338 and 304-A IPC. After taking cognizance, summons

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issued to the accused. After service of summons, accused appeared before the trial Court, pleaded not guilty of the offence when the accusation levelled against him is read over and explained to him.

4. On behalf of prosecution, 7 witnesses were examined as PWs.1 to 7, got marked Exs.P1 to P16 and closed his evidence.

5. The statement of accused under Section 313 of Cr.P.C was recorded wherein accused denied the prosecution case in toto.

6. After hearing arguments of both sides, the trial Court concluded that accused has committed the offences punishable under Sections 279, 338 and 304-A IPC, acquitted him for the offence under Section 337 of IPC and sentenced to undergo rigorous imprisonment of one year and to pay a fine of Rs.1,500/-; in default of payment of fine, to undergo further period of rigorous imprisonment for 3 months. Aggrieved by the same, the accused preferred an appeal before the appellate Court. After

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hearing arguments, the appellate Court dismissed the appeal by confirming the judgment of conviction and order of sentence. Aggrieved by the same, the revision petitioner is before this Court.

7. Heard arguments of both sides.

8. Learned counsel for the revision petitioner Sri.Binu M, would submit that the trial Court and the appellate Court have not appreciated the oral and documentary evidence in an appropriate manner. The material objects were not seized from the spot of incident. There is delay of about 2 days in drawing up of the panchanama, which is not at all explained. Hence, the photographs produced as per Exs.P4 to P7 cannot be looked into. There is head-on collision between two vehicles. Hence, there is negligence on the part of both sides in causing the accident. PW.3 was holding the deceased child aged 7 months without covering with the belt and thus, the accident happened due to negligence on the part of PWs.2 & 3. Furthermore PW.1, the complainant

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is not an eyewitness and he is only a hearsay witness. He has only set criminal law into motion. Furthermore, the important eyewitness CW.4 is not examined on behalf of the prosecution and PW.3 is partly hostile. These facts were not appreciated by the trial Court and the appellate Court. In this regard, he places reliance on the judgment of Hon'ble Apex Court in ***Manju Singh vs. Avinash Singh & Ors.,***[1]***.*** Hence, prayed for allowing the revision petition.

9. The learned HCGP would submit that there is concurrent finding of trial Court and the appellate Court, which cannot be interfered with by this court in revisional jurisdiction so lightly. Nothing was brought by the learned counsel for accused to say that there is gross-erroneous finding of the trial Court and the appellate Court. It is not established that the material evidence was not looked into or irrelevant evidence was considered by the trial Court and the appellate Court. Hence, prayed for dismissal of the revision petition.

[1] 2026 INSC 696

10. Having heard arguments of both sides, verifying the appeal papers, the trial Court records and appellate Court records, the point that arises for consideration is:

> *"Whether the revision petitioner establishes that the finding of trial Court and appellate Court is grossly erroneous, perverse or capricious or not examined the material evidence, or considered irrelevant evidence and thereby the judgment of trial Court and appellate Court is erroneous?"*

11. Finding of this Court on the above point is in ***'Negative'*** for the following:

REASONS

12. The charge-sheet is filed against the accused alleging that he has driven the i20 car bearing registration No.KA-04-ML-3993 on 25.03.2023 at about 10:30 a.m. in NH 69 tar road from Shivamogga to Sagar in rash and negligent manner and dashed against the Wagon R car bearing registration No.KA-15-N-8852, which was coming from opposite side being driven by CW.2 about 200 metres

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from Hosagunda Cross, due to the said accident, CW.2 & 3 have sustained simple and grievous injuries and the child of CWs.2 and 3-Katherina aged 7 months sustained grievous injuries and on the way to hospital for treatment, it succumbed to those injuries and thereby committed the aforesaid offences.

13. On behalf of prosecution, the complainant is examined as PW.1; the parents of deceased who are the injured witnesses are examined as PWs.2 and 3; one of the panch witnesses is examined as PW.4; PWs.5 to 7 are police officials.

14. On careful perusal of the evidence of PW.1 and his complaint, it is clear that PW.1 has lodged the complaint based on the information received by him from PWs.2 and 3. Thus, he sets criminal law into motion.

15. PWs.2 and 3 are the injured cum eyewitnesses. Even though they were cross-examined in length by the learned counsel for accused, nothing was elicited in their cross-examination to believe that there is negligence on

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the part of PW.2 in causing the accident and they were not wearing seat belt at the time of accident. Merely because PW.2 was driving the car of someone else, it cannot be said that there is rashness and negligence on his part in causing the accident. The MVA report reveals that both vehicles have sustained damages on front part. Exs.P.4 and P.5 are photographs of the spot of incident. Exs.P.6 and P.7 are the photographs of the damaged cars in the accident. These photographs are accompanied with CD. However, much importance need not be attached to these photographs because Motor Vehicles Accident Report reveals that both vehicles were damaged severely on their front part.

16. In ***Manju Singh's*** case cited supra at paragraph Nos.15, 16, 17, 20 and 21 held as follows:

> "*15.Having carefully considered the material available on record, we find that the courts below committed a serious error in placing decisive reliance upon the photographs produced as Exhibits 3 and 4.*

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16.Admittedly, the photographs were not taken immediately after the accident. They were taken at about 8.00 a.m. on the following day, nearly ten to twelve hours after its occurrence. Such photographs cannot be treated as an accurate representation of the position of the vehicles at the time of impact/accident.

17. More importantly, the photographs were admittedly produced by the owner of the tanker (DW.2). During his deposition, he acknowledged that the photographs had been got prepared and developed by him. The circumstances in which the photographs were taken and produced render them inherently suspect and incapable of forming the sole basis for determining negligence. It is not the case that the police got the photographs clicked as part of investigations.

20. The possibility that the position of the vehicles may have changed before the photographs were taken cannot be ruled out, particularly when the photographs were taken after a considerable lapse of time.

21. We, are therefore, unable to accept the conclusion of the Courts below, that Exhibits 3 and 4 conclusively establish negligence on the part of the driver of the Maruti Car."

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17. The said judgment is about the claim petition filed under Section 166 of Motor Vehicles Act, 1888 praying for compensation and not in respect of the case filed under Sections 279 and 304-A IPC. Even otherwise apart from photographs, there is some important material evidence produced before the trial Court as observed above. Hence, this judgment is of least assistance to the accused in proving his innocence.

18. Ex.P3- spot panchanama establishes that it was drawn about 2 days after the accident. However, only because of that reason, panchanama cannot be discarded in toto. The IO and spot panch witness have clearly given evidence that as per the spots shown by PW.2 i.e., the eyewitness, the panchanama was drawn. PW.2 has completely supported the case of prosecution. PW.3 was treated as hostile by learned APP only in respect of the vehicles' registration number which were involved in the accident. Both of them have categorically deposed about rashness and negligence on the part of the accused in

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causing the accident. The accused while overtaking another vehicle in front of it has came to the right side and dashed against the car of PWs.2 and 3 and thereby caused the accident. These facts clearly and categorically establish the rashness and negligence on the part of the accused in causing the accident. Even though the width of road is 32 feet and it is National Highway, the accident has taken place on the extreme right side from the side of the accused who was coming from Sagar towards Shivamogga, whereas PWs.2 and 3 were coming from Shivamogga towards Sagar. They were on the left side of the road whereas, the accused has taken the car to the extreme right side and because of that, the accident has taken place.

19. Considering all these aspects, the trial Court passed the judgment of conviction which is upheld by the appellate Court.

20. The revisional jurisdiction of this Court is very limited. In this regard, this Court places reliance on the

Judgment of the Hon'ble Apex Court in the case of ***Kuntegowda v/s Thurubaiah in Criminal Appeal No.3654/2026, (Arising out of Special Leave Petition (Criminal) No.2247 of 2024 dated 04.08.2026*** reported in ***2026 SCC On Line SC 1485***. In the aforesaid judgment, the Hon'ble Apex Court at paragraph No.7.3 has discussed the revisional jurisdiction of this Court, which reads as follows:

> *"7.3. The contours for exercise of revisional jurisdiction has been well settled by the judicial dicta of this Court wherein time and again it has been observed that the High Court shall not interfere with the orders of the lower Court unless:*
>
> *i. The order or finding of the lower Court is perverse, grossly erroneous, glaringly unreasonable or wholly unreliable or untenable in law.*
>
> *ii. The lower Court has passed the impugned order after considering an immaterial or irrelevant material or no material at all.*
>
> *iii. There is a non-consideration of any relevant material or the judicial discretion has been exercised arbitrarily or capriciously."*

21. Thus, only if the judgment of the trial Court confirmed by appellate Court is perverse or grossly erroneous, or grossly unreasonable, or wholly unreliable, or wholly untenable, or the trial Court considered an immaterial or irrelevant, material or no material or not at all relevant material or judicial discretion has been exercised arbitrarily and capriciously, the revisional Court can interfere with such judgment.

22. In the instant case, as discussed above, nothing was produced by the accused to show that there is gross erroneousness in passing the judgment by the trial Court and confirmed by the appellate Court. He has not produced evidence to show that the trial Court and appellate Court have relied upon irrelevant material or not placed reliance on the important material evidence. Hence, this Court holds that the revision petition is not entertainable.

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23. Hence, this Court passes the following:

ORDER

i. Criminal revision petition is ***dismissed***.

ii. As far as imposing sentence is concerned, the trial Court imposed the sentence of only 1 year imprisonment and the fine of Rs.1,500/- which is not exorbitant compared to the offences proved against the accused. Hence, it also requires no interference.

iii. the revision petitioner is hereby directed to surrender before the trial Court to undergo the punishment imposed by the trial Court.

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(GEETHA K.B.)
JUDGE

SSD
List No.: 1 Sl No.: 45