NC: 2026:KHC:22378
CRL.RP No. 764 of 2018

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION No.764 OF 2018
(397(Cr.PC) / 438(BNSS)

BETWEEN:

SILAMBARASAN
S/O ARUMUGHAM
AGED ABOUT 31 YEARS
R/AT RAYANDAPURAM MAIN ROAD
ALLAPANUR GRAMA
TENNUDIYANUR POST
CHANGAM TALUK,
TIRUVANNAMALAI
TAMILNADU - 606601

...PETITIONER

(BY SRI PRAKASH.R, ADVOCATE)

AND:

STATE BY H S R LAYOUT
TRAFIIC POLICE STATION
REPT. BY SPP, HIGH COURT BUILDING,
BANGALORE – 560 001

...RESPONDENT

(BY SRI K.NAGESHWARAPPA, HIGH COURT GOVERNMENT PLEADER)

THIS CRIMINAL REVISION PETITION IS FILED UNDER SECTION 397 R/W 401 CODE OF CRIMINAL PROCEDURE PRAYING TO SET ASIDE THE CONVICTION AND SENTENCE JUDGMENT DATED 07.01.2017 PASSED BY THE VI M.M.T.C., BENGALURU IN C.C.NO.5203/2016 FOR THE OFFENCE PUNISHABLE UNDER SECTION 279 AND 304(A) OF INDIAN PENAL CODE AND SECTION 134(A) AND B R/W 187 OF I.M.V. ACT AND TO SET ASIDE THE CONVICTION AND SENTENCE JUDGMENT DATED 10.10.2017 PASSED BY THE LXVI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU IN CRL.A.No.338/2017 CONFIRMING THE CONVICTION AND ORDER OF SENTENCE OF THE LOWER COURT.

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri Prakash R, learned counsel for the revision petitioner and Sri K.Nageshwarappa, learned High Court Government Pleader.

2. Accused who suffered an order of conviction and sentence for the offence under Sections 279 and 304A of the Indian Penal Code in C.C No.5203/2016 confirmed in Criminal Appeal No.338/2017 is the revision petitioner.

3. Facts in the nutshell which are utmost necessary for disposal of the present revision petition are as under:

3.1 In respect of a road traffic accident that occurred on 28.02.2016, involving a readymade cement concrete mixer lorry bearing registration No.KA-01/D-472, resulting in the death of Kumari Sharanya, being the rider of scooter bearing registration No.KA-51/ER-5098, a complaint came to be lodged with HSR Layout Traffic Police Station, Bengaluru.

3.2 Police after thorough investigation filed the charge sheet against the revision petitioner for the offence under

Sections 279 and 304A of the Indian Penal Code and under Sections 134(a) and (b) read with Section 187 of the Motor Vehicles Act.

4. Presence of the accused was secured by the Trial Magistrate and thereafter plea was recorded. Accused pleaded not guilty and therefore trial was held.

5. In order to bring home the guilt of the accused, seven witnesses were examined on behalf of the prosecution as PWs-1 to 7 and nine documentary evidence were placed on record which were exhibited and marked as Exhibits P-1 to P-9 comprising of complaint, spot mahazar, notice issued under Section 133 of the MV Act, reply, IMV Report, FIR, rough Sketch, Inquest and post mortem Report of Kum.Sharanya.

6. On conclusion of recording of evidence of the prosecution witnesses, learned Trial Magistrate culled out the incriminatory circumstances found in the prosecution evidence and put it across to the accused at the time of recording the accused's statement as is contemplated under Section 313 of the Code of Criminal Procedure.

7. Accused has denied all the incriminatory circumstances, but did not chose to place any defence evidence or his version about the incident.

8. Thus, the learned Trial Magistrate convicted the accused and sentenced as under:

> *"Exercising powers u/Sec.255(2) of the Cr.P.C., accused is hereby convicted for the offences punishable u/Ss.279-304(A) of IPC and u/Ss.134(a) & (b) r/w 187 of M.V.Act.*
>
> *Accused is sentenced to undergo SI for the period of one month and further sentenced to pay fine of Rs.500/- (five hundred) and in default to pay the same, the accused is sentenced to undergo SI for one month for the offence punishable under Section 279 of IPC.*
>
> *Accused is sentenced to undergo SI for the period of one year and further sentenced to pay fine of Rs.10,000/- (ten thousand) and in default to pay the same, the accused is sentenced to undergo SI for the period of six month for the offence punishable under Section 304(A) of IPC.*
>
> *Further, accused is sentenced to undergo SI for the period of one month and further sentenced to pay fine of Rs.500/- (five hundred) and in default to pay the same, the accused is sentenced to undergo SI for*

one month for the offence punishable under Section 134(a) & (b) r/w 187 of IMV Act."

9. Being aggrieved by the same, accused filed an appeal before the District Court in Criminal Appeal No.338/2017.

10. Learned Judge in the First Appellate Court after securing the records, heard the arguments of the parties in detail and on re-appreciation of the material evidence on record, dismissed the appeal by considered judgment dated 10.10.2017.

11. Thereafter, accused is before this Court in this revision petition.

12. Sri Prakash R. learned counsel for the revision petitioner reiterating the grounds urged in the revision petition vehemently contented that both the Courts have not properly appreciated the material evidence on record and wrongly convicted the accused resulting in miscarriage of justice and sought for allowing the revision petition.

13. He would further contend that the material contradictions elicited in the cross-examination of the witnesses is totally

ignored wherein in Exhibit P-3 and Exhibit P-4 there is a specific mention that "ಅಪಘಾತ ನಡೆದ ಸಮಯದಲ್ಲಿ ವಾಹನವನ್ನು ಚಾಲಕ ಸಿಲಂಬರಸನ್‌ರವರು ಚಾಲನೆ ಮಾಡಿರುತ್ತಾರೆ.". But how the witnesses came to know about the name of the accused is a question that remains unanswered on behalf of the prosecution, especially when the accused is a stranger to the prosecution witnesses and thus sought for allowing the revision petition.

14. Alternatively, learned counsel for the petitioner would contend that in the event this Court upholding the order of conviction, by enhancing the fine amount reasonably, sentence of imprisonment may be set aside.

15. *Per contra*, Sri K.Nageshwarappa, learned High Court Government Pleader, opposes the revision grounds with vehemence by contending that because of the rash and negligent driving of the lorry by the petitioner, valuable life of a human being has been lost who is the rider of a two wheeler and therefore sought for dismissal of the petition in *toto*.

16. Having heard the arguments of both sides this Court perused the material on record meticulously.

17. On such perusal of the material on record, road traffic accident resulting in the loss of life of a rider of the scooter by name Kum.Sharanya, on Outer ring road, Ebbaluru junction on 28.02.2016 at about 01.00 p.m. is established by the prosecution successfully.

18. Kum. Sharanya being the rider of the scooter lost her life. in the hospital at about 02.00 p.m., having sustained the grievous injuries in the road traffic accident.

19. PW-3 is an independent eyewitness who deposed about the incident. He is a chance witness. He did not nurture any previous enmity or animosity against the petitioner nor extra affinity towards the deceased. Therefore, his evidence cannot be doubted.

20. So also, PW-4 who is yet another eyewitness has deposed that he was on duty at Ebbalur junction between 07.00 a.m. to 02.00 p.m. He has witnessed the incident and immediately rushed to the place of incident and noted that left wheel of the lorry had ran over the scooter whereby rider of the scooter Kum.Sharanya sustained injuries. Efforts were made to shift

her to the hospital. But, he came to know later that Sharanya lost her life.

21. Testimony of these two witnesses would be sufficient enough to uphold the order of conviction recorded by the learned Trial Magistrate confirmed by the First Appellate Court having regard to the limited revisional powers, especially, in the absence of any explanation offered by the accused to the incriminating circumstances and non-placing his version about the incident, following the dictum of Hon'ble Apex Court in the case of ***Ravi Kapur vs State of Rajasthan*** reported in ***(2012)9 SCC 284***.

22. Having said thus, the alternate submission on behalf of the petitioner is taken into consideration, which has been seriously opposed by the learned High Court Government Pleader.

23. No mitigating circumstances are forthcoming on record. Accused even did not take steps to shift the injured to the hospital.

24. On the contrary, accused ran away from the place of incident leaving the vehicle unattended in a busy junction, which makes it clear that accused is not entitled for any lenience or mercy.

25. Accordingly, following the dictum of the Hon'ble Apex Court in the case of ***State of Punjab vs. Saurabh Bakshi*** reported in ***(2015)5 SCC 182***, sentence needs to be confirmed.

26. Accordingly, the following:

ORDER

i. Revision Petition is ***dismissed***.

ii. Time is granted for the revision petitioner/ accused to surrender before the Trial Court for serving the remaining part of sentence till ***10th May 2026***.

iii. Office is directed to return the Trial Court Records with copy of this Order, forthwith.

Sd/-
(V SRISHANANDA)
JUDGE

kcm
List No.: 2 Sl No.: 79