



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL REVISION PETITION NO. 195 OF 2018

BETWEEN:

SRI SAMPATH KUMAR,
S/O NARASIMHAMURTHY,
AGED ABOUT 35 YEARS,
R/AT, C/O VENKATESH HOUSE,
NO.178, 5TH CROSS, KENCHANAHALLI,
RAJARAJESHWARI NAGARA,
BENGALURU - 560 098.

ALSO AT
JIGANI, 1ST DIVISION VILLAGE,
ANEKAL TALUK - 562 106.

...PETITIONER

(BY SRI. VIJAYKUMAR PRAKASH, ADVOCATE)

AND:

STATE OF KARNATAKA,
REPRESENTED BY TARIKERE POLICE,
NOW REPRESENTED BY THE STATE PUBLIC
PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE - 560 001.

...RESPONDENT

(BY SRI.CHANNAPPA ERAPPA, HCGP)

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C BY THE
ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HON'BLE





COURT MAY BE PLEASED TO SET ASIDE JUDGMENT OF CONVICTION AND SENTENCE DATED 10.08.2015 PASSED BY THE SENIOR CIVIL JUDGE AND PRINCIPAL JMFC, TARIKERE IN C.C.NO.398/2013, FOR THE OFFENCES P/U/S 279,337,338,304A OF IPC AND 134A AND B R/W 187 OF THE MOTOR VEHICLE ACT AND CONFIRMED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE AT CHIKKAMAGALUR IN CRIMINAL APPEAL NO.115/2015, DATED 23.11.2017 AND ACQUIT THE PETITIONER.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused is before this Court in this Criminal revision petition filed under Section 397 read with Section 401 of Cr.PC with a prayer to set aside the judgment and order of conviction and sentence passed in C.C.No.398/2013 dated 10.08.2015 by the Court of Senior Civil Judge and Principal JMFC, Tarikere and the judgment and order dated 23.11.2017 passed in Crl.A.No.115/2015 by the Court of Principal District and Sessions Judge, Chikkamagalur.

2. Heard the learned counsel for the parties.



3. Petitioner herein was charge sheeted for offences punishable under Sections 279, 337, 338, 304(A) of IPC and Section 134(a) and (b) read with Section 187 of the Motor Vehicles Act and was tried for the said offences before the Jurisdictional Court of Magistrate at Tarikere in C.C.No.398/2013. The Trial Court has convicted the petitioner for the charge sheeted offences and for the offence punishable under Section 279 of IPC petitioner was sentenced to pay fine of Rs.1,000/- (Rupees One Thousand only) and in default to undergo simple imprisonment for a period one month, for the offence punishable under Section 337 of IPC was sentenced to pay fine of Rs.500/- (Rupees Five Hundred only) and in default to undergo simple imprisonment for a period 15 days, for the offence punishable under Section 338 of IPC was sentenced to pay fine of Rs.1,000/- (Rupees One Thousand only) and in default to undergo simple imprisonment for a period of one month, for the offence punishable under Section 304(A) of IPC was sentenced to



undergo simple imprisonment for a period of six months and for offence punishable under Sections 134(a) and (b) read with Section 187 of the Motor Vehicles Act, petitioner was sentenced to pay fine of Rs.500/- and in default to undergo simple imprisonment for a period of 15 days. The said judgment and order of conviction and sentence passed by the Trial Court in C.C.No.398/2013 was confirmed by the Appellate Court in Crl.A.No.115/2015 by judgment and order dated 23.11.2017. It is under these circumstances, the petitioner is before the Court.

4. Learned counsel for the petitioner submits that dispute between the parties has been settled and Smt.Ashwini, wife of deceased Kantharaju, has come forward to receive a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) from the petitioner as compensation. He submits that petitioner is a married man having family and at this juncture, if he is sent behind bars, he and his family members will be put to untold hardship and therefore, considering the settlement



between the parties, the substantive sentence of imprisonment imposed by the Courts below may be reduced till the rising of the Court. He submits that parties have filed a joint affidavit before this Court and Smt.Ashwini, widow of late Kantharaju is also present-in-person before the Court.

5. Smt.Ashwini who is present-in-person before the Court submits that settlement between the parties is voluntary without there being any undue influence or coercion and she has willingly accepted compensation of Rs.1,50,000/- (Rupees One Lakhs Fifty Thousand only) from the petitioner, which is paid to her today in cash.

6. The joint affidavit filed by the parties is taken on record. In paragraph Nos.2 to 4 of the joint affidavit, it is stated as follows:

"2) I Smt. Ashwini, am the Legally wedded wife and the Legal heir to the deceased Sri. Kantharaju, I have acquainted with facts of the case.



3) We state that we have amicably come to an understanding to settle the matter in the above proceeding and the 1st of the above i.e. the petitioner have offered the 2nd of the above a compensatory relief of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand Only), and the 2 of us has accepted the same, without any compulsion and any undue influence from anybody.

4) In the foregoing background this Hon'ble Court may take a lenient view and allow the Revision Petition as prayed for in the interest of Justice."

7. The Hon'ble Supreme Court in the case of **MANISH JALAN VS. STATE OF KARNATAKA - (2008)**

8 SCC 225 under identical circumstances, wherein the accused was convicted for offence punishable under Sections 279 and 304(A) of IPC, in paragraph Nos.16 & 17 has observed as follows:

"16. True that in the instant case the appellant has been found to be guilty of offences punishable under Sections 279 and 304-A IPC for driving rashly and negligently on a public street and his act unfortunately resulted in the loss of a precious human life. But it is pertinent to note that there was



no allegation against the appellant that at the time of accident, he was under the influence of liquor or any other substance impairing his driving skills. It was a rash and negligent act simpliciter and not a case of driving in an inebriated condition which is, undoubtedly despicable aggravated offence warranting stricter and harsher punishment.

17. Having regard to all these facts and bearing in mind the fact that the mother of the victim has no grievance against the appellant and has prayed for some compensation, we are of the view that a lenient view can be taken in the matter and the sentence of imprisonment can be reduced. We are of the opinion that the ends of justice would be met if the sentence of imprisonment is reduced to the period already undergone but in addition thereto, the appellant should be directed to pay an amount of Rs 1,00,000 to the mother of the deceased by way of compensation. The learned counsel for the appellant, in fact, indicated that his client was willing to pay that much amount. We order accordingly."

8. In the present case, the wife of the deceased has voluntarily come forward to receive the compensation amount from the petitioner and she has acknowledged receipt of the same in cash from the petitioner. It is



submitted by the learned counsel for the petitioner that the petitioner is a married man having children. The accident-in-question is of the year 2013. More than 12 years have lapsed from the date of accident.

9. Under the circumstances, I am of the opinion that a lenient view is required to be taken as against the petitioner while passing the order of sentence and if the substantive sentence of imprisonment imposed by the courts below is reduced to imprisonment till the rising of the Court and if the fine imposed by the Courts below are affirmed, the same would serve the ends of justice. Accordingly, the following:

ORDER

- i. The Criminal revision petition is ***partly allowed.***
- ii. The impugned judgment and order of conviction passed by the Courts below against the petitioner is affirmed. However, the



substantive sentence of imprisonment
imposed against the petitioner is reduced to
imprisonment till the rising of the Court.

- iii. The order of sentence passed by the courts
below imposing fine on the petitioner stands
unaltered.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

KVR
List No.: 1 Sl No.: 41