



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 27TH DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL REVISION PETITION NO. 850 OF 2025

BETWEEN:

CHANDAN H.N
S/O NARAYANA
AGED ABOUT 35 YEARS
R/AT HERAGU VILLAGE
DUDDA HOBLI
HASSAN TALUK AND
DISTRICT - 573 201.

...PETITIONER

(BY SRI NARENDRA GOWDA, ADV.)

AND:

THE STATE OF KARNATAKA
ARASIKERE RURAL POLICE
ARASIKERE TOWN
HASSAN DISTRICT
REP BY OFFICE OF STATE
PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE - 560 001.

...RESPONDENT

(BY SRI CHANNAPPA ERAPPA, HCGP)

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C (U/S 438 R/W 442 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO A. SET ASIDE THE JUDGMENT DATED 16.03.2019 PASSED BY THE II ADDL. DISTRICT AND SESSIONS COURT IN CRL.APPEAL NO.130/2018 CONFIRMING THE JUDGMENT DATED 01.06.2018 PASSED BY SENIOR CIVIL JUDGE AND JMFC, HASSAN IN CC.NO.364/2017 CONVICTING THE PETITIONER FOR THE OFFENCES P/U/S. 279, 304(A) OF IPC. B. ACQUIT THE PETITIONER OF THE OFFENCE P/U/S. 279, 304(A) OF IPC ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, IN CC NO.364/2017 ARASIKERE.





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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused is before this Court in this Criminal Revision Petition filed under Section 397 R/w 401 of Cr.P.C, with a prayer to set aside the judgment and order dated 01.06.2018 passed in C.C.No.364/2017 by the Court of Senior Civil Judge & JMFC, Arasikere and the judgment and order dated 16.03.2019 passed by the Court of II Addl. District & Sessions Judge, Hassan in Crl.A.No.130/2018 .

2. Heard the learned counsel appearing for the parties.

3. Facts leading to filing of this revision petition narrated briefly as follows:

Petitioner herein was charged sheeted for the offences punishable under Sections 279 and 304A of IPC by Arsikare Rural Police Station and he was tried for the said offences before the jurisdictional Court of Magistrate in C.C.No.364 of 2017. In the said proceedings, the Trial Court had convicted the petitioner for offences punishable under Sections 279 and 304A



of IPC. For the offence punishable under Section 304A of IPC, petitioner was sentenced to undergo simple imprisonment for a period of 4 months and for the offence punishable under Section 279 of IPC, he was sentenced to pay fine of ₹ 1,000/- and in default to undergo simple imprisonment for a period of 1 month. The said judgment and order of conviction and sentence passed by the Trial Court in C.C.No.364 of 2017 was confirmed by the Appellate Court in Criminal Appeal No.130 of 2018 by judgment and order dated 16.03.2019. It is under these circumstances, petitioner is before this Court.

4. Learned counsel for the petitioner submits that dispute between the parties has been amicably settled during the pendency of this revision petition and Smt. Savitramma-PW1, widow of late HS Shivarudrappa, has come forward to receive compensation of ₹.1,00,000/- from the petitioner. He submits that, petitioner has already paid the aforesaid amount of ₹.1,00,000/- to Smt. Savitramma and the parties have filed a joint affidavit before this Court, reporting settlement. He submits that, in view of settlement between the parties,



leniency may be shown on the petitioner and the order of sentence may be modified.

5. The joint affidavit filed by the petitioner and Smt. Savitramma, widow of late H. S. Shivarudrappa, who is the deceased in the present case, is taken on record. In paragraph nos.5 and 6 of the said affidavit, it is stated as follows:-

"5. It is submitted that the accused and complainant have entered into a compromise on their own free and without any undue influence and coercion and there is no collusion or fraud involved in entering into compromise.

6. As per the compromise between the parties, the Accused has agreed to pay a sum of Rs.1,00,000/- and the complainant has agreed to accept the same towards full and final settlement. The accused has paid a sum of Rs.50,000/- by way of cash on 18.2.2026 in the open court and remaining amount of Rs.50,000/- is paid today by way of cash and the same was received by the complainant."

6. The Hon'ble Supreme Court in the case of **Manish Jalan vs. State of Karnataka - (2008) 8 SCC 225** under identical circumstances wherein accused was convicted for the offences punishable under Sections 279 and 304A of IPC, taking into consideration the settlement arrived between the parties, 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."



7. Even in the present case, the widow of the deceased has come forward to settle the dispute and she has also acknowledged receipt of the Rs.1,00,000/- from the petitioner towards compensation. It is not the case of the prosecution that petitioner was driving the offending vehicle under influence of liquor or any other substance impairing his driving skills. Accident is of the year 2015 and already 10 years have lapsed ever since then. Having regard to the aforesaid and also in view of the settlement arrived between the parties, I am of the opinion that, leniency is required to be shown to the petitioner and the order of sentence needs to be modified by reducing the sentence of imprisonment till the rising of the Court.

8. Accordingly the following :-

ORDER

- (i) Criminal revision petition is partly allowed.
- (ii) The impugned judgment and order of conviction passed by the Courts below convicting the petitioner for offences punishable under Section 279 and 304A of IPC are confirmed. However, the substantive sentence of imprisonment



passed by the Courts below for offence punishable under Section 304A of IPC is reduced to imprisonment till rising of the Court. The order of sentence passed against the petitioner for offence punishable under Section 279 of IPC is maintained.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE