



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION NO. 1065 OF 2022

(397(Cr.PC) / 438(BNSS)-)

BETWEEN:

1. KUMARA
S/O ANNAIAH
AGED 38 YEARS
R/O GANIGARA STREET
NAGAMANAGALA ROAD
K R PETE TOWN
K R PETE TALUK
MANDYA DISTRICT - 577133

...PETITIONER

(BY SRI.GIREESHA J T.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY K R PETE TOWN P S - 577133
REP BY SPP
HIGH COURT BUILDING
BANGALORE 560001

...RESPONDENT

(BY SRI.K.NAGESHWARAPPA, ADVOCATE)

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE JUDGMENT OF CONVICTION AND SENTENCED PASSED BY THE CIVIL JUDGE AND J.M.FC, K.R.PETE IN C.C.NO.164/2009





DATED 12.02.2021 AND CONFIRMED BY THE III ADDL.DISTRICT AND SESSIONS JUDGE MANDYA (SITTING AT SRIRANGAPATA) IN CRL.A.NO.5004/2021 DATED 28.06.2022.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri.Gireesha J. T., learned counsel for the revision petitioner and Sri.K.Nageshwarappa, learned High Court Government Pleader for the State/respondent.

2. Revision petitioner is the accused who has suffered an order of conviction for the offence punishable under Section 353 of IPC in CC No.164/2009 dated 12.02.2021 which was confirmed in Crl.A.No.5004/2021 dated 28.06.2022.

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

3.1. Driver of the KSRTC bus bearing No.KA-09/F-2984 lodged a complaint with K.R.Pete Town Police stating that on 03.08.2008, when complainant was driving the bus



from K.R.Pete to Santhebachahalli, bus was halted in Sharavanbelagola.

3.2. It is contended that on 04.02.2008, they had visited K.R.Pete and left Shravanabelagola at about 12.30 p.m. near Santhebachahalli cross, near S.M.Lingappa Community Hall at about 12.40 p.m.

3.3. At that juncture, two persons were standing on the road and when the bus was stopped, complainant directed them to give way for movement of the bus.

3.4. All of a sudden, revision petitioner came near the driver door and dragged the complainant from the bus by holding his uniform collar and assaulted him and torn his uniform and thereby restrained the driver of the bus from discharging his official duty and thus sought for action against the revision petitioner.



4. After registering the case in Crime No.143/2008, investigated the matter and filed charge sheet.

5. Presence of the accused person was secured and charge was framed. Accused pleaded not guilty and therefore, trial was held.

6. In order to prove the case of the accused, prosecution proceeded to examined driver of the bus being the complainant as P.W.1 and five more witnesses including Doctor as P.W.2 to P.W.6 besides marking torn uniform shirt as M.O.1.

7. Prosecution placed on record five documentary evidence namely complaint, wound certificate, spot mahazar and letter from the higher authorities of the KSRTC deputing the complainant to the bus bearing No.KA-09/F-2894.

8. On conclusion of recording of the evidence by the learned Trial Magistrate, recorded the accused



statement as is contemplated under Section 313 of Cr.P.C., wherein accused has denied all the incriminatory circumstances.

9. Thereafter, learned Trial Magistrate heard the arguments of the parties in detail and convicted the accused for the offence punishable under Section 353 of IPC and sentenced to pay fine amount of Rs.5,000/- and simple imprisonment for a period of one year.

10. Being aggrieved by the same, accused filed an appeal before the First Appellate Court in Crl.A.No.5004/2021.

11. Learned Judge in the First Appellate Court after securing the records, heard the arguments of the parties in detail and by considered judgment, dismissed the appeal filed by the accused.

12. Being further aggrieved by the same, accused is before this Court, in this revision petition.



13. Learned counsel for the revision petitioner reiterating the grounds urged in the revision petition vehemently contended that the genesis of the crime as is enunciated by the prosecution is *per se* incorrect.

14. He would further contend that the accused was the owner of sheep and complainant being the driver of the KSRTC bus, came in a rash manner and dashed against one of the sheep which was questioned by the accused. In that regard, oral altercation has taken place which has been blown out of proportion by the complainant in lodging a false complaint against the accused. Jurisdictional police in a perfunctory manner, investigated the matter resulting in filing of a false charge sheet against the accused and said aspect of the matter is not properly appreciated by the learned Trial Magistrate while convicting the accused which has been mechanically upheld by the learned Judge in the First Appellate Court resulting in miscarriage of justice and sought for allowing the revision petition.



15. Alternatively, he would contend that in the event, this Court, upholding the order of conviction, accused being the first time offender, learned Trial Magistrate ought to have granted the benefit of Probation of Offenders Act and learned Judge in the First Appellate Court did not even consider the said aspect of the matter resulting in miscarriage of justice and sought for allowing the revision petition to that extent.

16. Per contra, learned High Court Government Pleader for the State/respondent support the impugned judgments.

17. He would contend that accused and another person were standing on the road blocking the way for free movement of the bus. When the bus was stopped and questioned by the driver of the bus, all of a sudden, it is the accused who came near the door of the driver and dragged the complainant out from the bus and caused injury to him by dashing his head against the face of the



accused and also pulling the uniform worn by the complainant and there was a tear of the uniform. Same is reported to the police without any delay resulting in registration of the crime and filing charge sheet and thus, sought for dismissal of the revision petition.

18. He would further contend that wound certificate placed on record would fortify the stand of the prosecution and thus sought for dismissal of the revision petition.

19. Insofar as alternate submission made on behalf of learned counsel for the revision petitioner is concerned, learned High Court Government Pleader would contend that attacking the KSRTC driver has become routine in the rural areas for no fault of the driver and if any lenience is shown to the accused same would result in encouraging the similarly placed perpetrators of the crime and lenience shown to such people would send a wrong message of the society and sought for dismissal of the revision petition in *toto*.



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

21. On such perusal of the material on record, accused and P.W.1 are totally strangers to each other. There is no material on record which would establish that they was previous enmity or animosity which was nurtured by P.W.1 as against the accused so as to falsely implicate him in the incident.

22. Material evidence placed on record would be sufficient enough to maintain the order of conviction of the accused under Section 353 of IPC inasmuch as two Courts have concurrently recorded the guilt of the accused on cumulative consideration of oral and documentary evidence placed on record including the wound certificate which has been issued by the Doctor without any delay.

23. Torn uniform marked at M.O.1 would fortify about the incident as is propounded by P.W.1.



24. Taking note of these aspects of the matter, having regard to the limited revisional jurisdiction, this Court does not find any good grounds to interfere with the order of conviction recorded by both the Courts.

25. Insofar as alternate submission made by learned counsel for the revision petitioner is concerned, admittedly, accused is a first time offender without any criminal antecedents.

26. In a matter of this nature, when the conviction order is passed by the learned Trial Magistrate, it was duty caused on the learned Trial Magistrate to consider the grant of probation.

27. In the case on hand, when there is an error of jurisdiction in not properly appreciating the case of the accused which has not been properly appreciated by learned Judge in the First Appellate Court with regard to grant of probation, this Court is compelled to consider the



alternate submission made on behalf of the revision petitioner.

28. No doubt, attacking the KSRTC drivers is a matter which requires a consideration while passing appropriate sentence in a given case.

29. In the case on hand, incident has occurred at the spur of moment even according to the case of the prosecution.

30. Accused is now aged about 42 years and is having two children to maintain of which one is two year young daughter. Accused is earning his livelihood by agriculture.

31. Taking note of these aspects of the matter, if the accused is directed to undergo simple imprisonment for a day till the rising of the Court and to pay enhanced fine amount of Rs.50,000/- of which sum of Rs.30,000/- can be paid as compensation to P.W.1, ends of justice would be met.



32. Accordingly, following:

ORDER

- i. Revision petition is ***allowed in part.***
- ii. While maintaining the conviction of the accused for the offence punishable under Section 353 of IPC, sentence ordered by the learned Trial Magistrate confirmed by the learned Judge in the First Appellate Court for a period of one year simple imprisonment is hereby modified by directing him to undergo simple imprisonment for a day till rising of the Court and to pay enhanced fine amount of Rs.50,000/- on or before 15.04.2026.
- iii. On receipt of the fine amount of Rs.50,000/-, sum of Rs.30,000/- is ordered to be paid as compensation to P.W.1 under due identification.



- iv. Balance amount shall be appropriated towards defraying expenses of the State.
- v. Failure to pay the enhanced fine amount on or before 15.04.2026, sentence ordered by the learned Trial Magistrate confirmed by the First Appellate Court for a period of one year stands restored automatically.

Office is directed to return the Trial Court Records with copy of this order forthwith for issue of modified conviction warrant.

Sd/-
(V SRISHANANDA)
JUDGE

KAV
List No.: 1 Sl No.: 24