



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION NO. 1076 OF 2017

BETWEEN:

SRI ERANNA
S/O LATE NAGABASAPPA
AGE: 38 YEARS,
R/O BASAVANAKOTE VILLAGE,
JAGALUR- 577528
DAVANAGERE TALUK

...PETITIONER

(BY SRI. BALU MAHENDRA Y H., ADVOCATE)

AND:

STATE OF KARNATAKA BY
BILICHODU POLICE STATION,
BILECHODU
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR
BANGALORE-560 001

...RESPONDENT

(BY SRI. K.NAGESHWARAPPA, 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 THE ORDER DATED 31.08.2017 IN CRL.A.NO.22/2014 PASSED BY THE LEARNED JUDGE, ADDITIONAL DISTRICT AND SESSIONS JUDGE, DAVANAGERE., AND ETC.

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





CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri.Balu Mahendra Y. H., learned counsel for the revision petitioner and Sri.K.Nageshwarappa, learned High Court Government Pleader for the State/respondent.

2. Accused has suffered an order of conviction in CC No.624/2011 dated 01.03.2014 for the offence punishable under Sections 498A, 323 and 506 of Indian Penal Code (hereinafter 'IPC' for short) and ordered to undergo simple imprisonment for a period of four months for the offence punishable under Section 498A of IPC, fine amount of Rs.2,000/- for the offence punishable under Section 323 of IPC and fine amount of Rs.2,000/- for the offence punishable under Section 506 of IPC.

3. He filed an appeal before the First Appellate Court in Crl.A.No.22/2014 wherein the simple imprisonment for the offence punishable under Section 498A of IPC was reduced from four months to one month.



4. Accused has undergone seven days imprisonment pursuant to the order of the First Appellate Court before it could be suspended by this Court, is the revision petitioner.

5. At the outset, learned counsel for the revision petitioner would submit that marriage did not last not even for a period of one month and within a period of twenty days of the marriage, P.W.4 left the matrimonial home and filed the complaint under Section 498A of IPC. Therefore, learned Judge in the First Appellate Court taking note of the relevant aspects of the matter, reduced the imprisonment period from four months to one month.

6. Learned counsel for the revision petitioner would now submit that revision petitioner is ready to pay enhanced fine amount and custody period of seven days already undergone by the accused may be treated as period of imprisonment by modifying the order of the learned Trial Magistrate which is modified by the First Appellate Court.

7. Per contra, learned High Court Government Pleader for the State/respondent would oppose the submission made on behalf of the revision petitioner.



8. Taking note of the attendant facts and circumstances of the case and also taking note of the fact that revision petitioner is aged about 48 years and incident is of the year 2010, this Court is of the considered opinion that if the fine amount is enhanced by another Rs.50,000/- which can be paid as compensation to P.W.4 and custody period already undergone by the revision petitioner if treated as period of imprisonment for the offence punishable under Section 498A of IPC, ends of justice would be met in the attendant facts and circumstances of the case.

9. Accordingly, without discussing on the merits of the matter, following:

ORDER

- i. Revision petition is ***allowed in part.***
- ii. While maintaining the conviction of the accused for the offence punishable under Sections 498A, 323 and 506 of IPC, sentence of imprisonment ordered by the learned Trial Magistrate modified by the First Appellate Court is further modified by directing the



custody period of seven days already undergone by the revision petitioner as period of imprisonment for the offence punishable under Section 498A of IPC by directing him to pay enhanced fine amount of Rs.50,000/- on or before 15.04.2026.

- iii. Failure to pay the enhanced fine amount on or before 15.04.2026, order of imprisonment of one month ordered by the First Appellate Court stands restored automatically.
- iv. On receipt of the enhanced fine amount, entire sum of Rs.50,000/- is ordered to be paid as compensation to P.W.4 under due identification.

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.: 2