



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION No.879 OF 2018
(397(Cr.PC) / 438(BNSS))

BETWEEN:

RAMESH
S/O BORAI AH
COOLIE
R/O CHANNABASAIAHNAHATTI VILLAGE,
CHALLAKERE TALUK,
CHITRADURGA DISTRICT-577 522

...PETITIONER

(BY SRI KALEEMULLAH SHARIFF, ADVOCATE)

AND:

STATE OF KARNATAKA
BY TURUVANUR POLICE
BY ITS SPECIAL PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560001

...RESPONDENT

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

Digitally
signed by R
MANJUNATHA
Location:
HIGH COURT
OF
KARNATAKA

THIS CRIMINAL REVISION PETITION IS FILED UNDER
SECTION 397 R/W 401 CODE OF CRIMINAL PROCEDURE
PRAYING TO SET ASIDE THE JUDGMENT IN CRL.A.NO.84/2017
DATED 19.04.2018 PASSED BY THE I ADDITIONAL DISTRICT
AND SESSIONS JUDGE, CHITRADURGA DISMISSING THE
APPEAL CONFIRMING THE JUDGMENT IN C.C.NO.1201/2014
DATED 18.11.2017 PASSED BY THE III ADDITIONAL CIVIL
JUDGE AND JMFC, CHITRADURGA.

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 Kaleemullah Shariff, learned counsel for the revision petitioner and Sri K.Nageshwarappa, learned High Court Government Pleader.

2. Accused who has been convicted for the offence punishable under Sections 279, 337, 304A of the Indian Penal Code and Section 146 read with Section 196 of the Indian Motor Vehicles Act, by the III Additional Civil Judge and JMFC, Chitradurga, in C.C.No.1201/2014 by the Order dated 18.11.2017 confirmed in Criminal Appeal No.84 of 2017 on the file of the I Additional District and Sessions Judge, Chitradurga, 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 A complaint came to be lodged with Thuruvannuru police station contending that on 26.02.2014 there was a road traffic accident involving a tractor and trailer unit bearing registration No.KA-16/T-4480-4481 whereunder, after loading



the mud bricks, the driver of the tractor drove the same in a rash and negligent manner. The labourers were also found sitting on the load of bricks in the trailer.

3.2 When the tractor and trailer reached the place of accident which is a small ditch, driver of the tractor and trailer lost control over the tractor whereby tractor and trailer turtled.

3.3 The labourers who were sitting on the load of bricks fell down and on them, the bricks also fell whereby, they sustained injuries and one among them, by name Jayanna, lost his life. A complaint was lodged in this regard.

4. The police, after thorough investigation filed charge sheet against the driver of the tractor and trailer unit for the aforesaid offences.

5. Learned Trial Magistrate after due trial, considering the testimony of the injured witnesses who were also travelling in the same tractor, convicted the accused and sentenced as under:



Offence punishable under Section	Imprisonment	Fine	Default sentence
279 IPC	Three months	Rs.1,000/-	One month
337 IPC	One month	Rs.500/-	15 days
304A IPC	Six months	Rs.1,000/-	One month
146 r/w 196 of IMV Act	One month	Rs.1,000/-	15 days

6. Being aggrieved by the same, accused filed an appeal before the District Court in Criminal Appeal No.84/2017.

7. 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 filed by the accused by considered judgment dated 19.04.2018.

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

9. Sri Kaleemullah Shareef, learned counsel for the revision petitioner, re-iterating the grounds urged in the revision petition, would contend that because of the road conditions, the



accident has occurred, so also, having regard to the fact that there was huge load of bricks and it was beyond human error.

10. Therefore, no rash and negligence could be attributed to the revision petitioner whereby, conviction of the revision petitioner cannot be sustained and therefore, sought for allowing the revision petition.

11. *Per contra*, Sri K.Nageshwarappa, learned High Court Government Pleader would support the impugned judgments.

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

13. On such perusal of the material on record, there is no dispute that accused was the driver of tractor and trailer unit bearing No.KA-16/T-4480-4481 and the accident has occurred on account of the tractor and trailer unit being turtled at the place of incident which is a ditch.

14. While the injured eyewitnesses have specifically deposed about the rash and negligent driving of the tractor by the accused, accused has denied the very accident itself in the



statement recorded under Section 313 of the Code of Criminal Procedure.

15. There is no other material on record which would be of any use to appreciate the contentions urged on behalf of the revision petitioner/accused that the incident has occurred beyond human control.

16. Thus, the order of conviction recorded by Trial Magistrate confirmed by the First Appellate Court needs no interference, that too, in the revisional jurisdiction.

17. Further, there are no mitigating circumstances placed on record on behalf of the accused. One person by name Jayanna has lost his life and few others got injured in the incident.

18. Therefore, taking note of the fact that in the absence of any revision petition filed by the State seeking enhancement of the sentence, this Court does not deem it fit to enhance the sentence in the revision petition filed by the accused, following the dictum of the Hon'ble Supreme Court in the case of **Sachin vs. State of Maharashtra** reported in **(2025)9 SCC 507**.



19. Hence, the following:

ORDER

- (i) Revision petition is ***dismissed***.
- (ii) Time is granted till ***10th April 2026*** for the revision petitioner to surrender before the Trial Court.

Sd/-
(V SRISHANANDA)
JUDGE

kcm
List No.: 1 Sl No.: 64