



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. 1822 OF 2025

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

BETWEEN:

K RAGHU
S/O KRISHNAPPA,
AGED ABOUT 45 YEARS,
RESIDING AT NO. 81, 8TH CROSS,
BHOVI COLONY, 3RD BLOCK,
THYAGARAJANAGAR
BENGALURU- 560 028.

...PETITIONER

(BY SRI. A.N. RADHA KRISHNA., ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY CHANNAMMANA KERE
ACHUKATTU POLICE,
BENGALURU
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS,
BENGALURU- 560 001.

...RESPONDENT

(BY SRI. K.NAGESHWARAPPA, 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

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MANJUNATHA
Location:
HIGH COURT
OF
KARNATAKA



PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE JUDGEMENT OF CONVICTION AND SENTENCE PASSED BY THE LD. II ADDL. CMM, BENGALURU, IN CC.NO.3085/2013 DATED 22.02.2019, CONVICTING THE PETITIONER/ACCUSED FOR OFFENCES P/U/S. 324, 341, 504, 506(B) IPC AND CONFIRMED IN CRL.A. BY THE LD. LXIV ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU, (CCH-65) IN CRL.A.NO.676/2019, DATED 12.06.2023.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri.A.N. Radha Krishna, learned counsel for the revision petitioner and Sri.K. Nageshwarappa, learned High Court Government Pleader for the respondent/ State.

2. Accused who has suffered an order of conviction in C.C.No.3085/2013 for the offences punishable under Section 324, 341, 504 and 506(B) of IPC and sentenced as under which was confirmed in Crl.A.No.676/2019 is the revision petitioner.



Section	Fine amount	Sentence	Default sentence
341 of IPC	Rs.500/-	1 month	-
324 of IPC	Rs.5,000/-	6 months	1 month
504 of IPC	Rs.500/-	3 months	1 month
506 (B) of IPC	Rs.500/-	3 months	1 month

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

3.1 In respect of an incident that occurred on 04.03.2012 at about 07.00 p.m., in front of House bearing No.15/2, 8th cross, Bhovi Colony within the limits of Channamanakere Acchukattu Police Station, a complaint came to be lodged wherein Smt.Shanthi was assaulted and Thejaswini, who wanted to rescue the Smt.Shanthi, was also assaulted with an iron pipe.

3.2 The jurisdictional police after registering the case thoroughly investigated the matter and filed the charge sheet for the offences punishable under Section 341, 324, 504 and 506(B) of IPC.



3.3 The presence of the accused was secured after taking cognizance, and charges were framed. Accused pleaded not guilty, therefore trial was held.

3.4 In order to bring home the guilt of the accused, prosecution examined five witnesses, namely the complainant, two injured witnesses the doctor who examined the injured persons and a private witness by name Ramesh as PW1 to PW5 and placed on record five documents, which were exhibited and marked as Exs.P.1 to P5(a) comprising of complaint, signature of PW.2, panchanama, wound certificate, signatures of PW.4 and 5 and FIR.

3.5 Prosecution placed on record an iron pipe which was used in an incident seized under spot mahazar at Ex.P.2 as M.O.1.

3.6 On conclusion of recording of prosecution evidence, the learned Trial Magistrate recorded the statement of the accused wherein the incriminatory



circumstances found against him were put to him. Accused has denied all the incriminatory circumstances and failed to place his version on record.

3.7 Thereafter, learned Trial Magistrate heard the argument of the parties and thereafter convicted the accused and sentenced as aforementioned.

4. Being aggrieved by the same, the accused filed an appeal before the First Appellate Court in CrI.A.No.676/2019.

5. 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 by judgment dated 12.06.2023 dismissed the appeal of the accused and confirmed the order of sentence.

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



7. Sri.A.N. Radha Krishna, learned counsel for the revision petitioner having regard to the scope of the revision petition, contended that in the event this Court upholding the order of conviction in view of the testimony of the injured eyewitnesses, this Court may consider the question of granting probation to the accused.

8. Alternatively, he would further contend that the custody period already undergone by the accused may be treated as period of imprisonment by enhancing the fine amount reasonably and sought for allowing the revision petition to such an extent.

9. Per contra, Sri.K. Nageshwarappa, learned High Court Government Pleader opposed the submissions made on behalf of the revision petitioner by contending that all ingredients required to attract the offences as aforesaid has been established by the prosecution by placing cogent and convincing evidence on record and therefore sought for dismissal of the revision petition.



10. Insofar as the alternate submission of revision petitioner is concerned, Sri.K. Nageshwarappa would contend that the learned Trial Judge has considered the principles of law enunciated by the Hon'ble Apex Court in the case of ***Guru Basavaraju @ Benne Settappa Vs. State of Karnataka*** reported in ***(2012) 8 SCC 734*** and then granted the appropriate punishment which requires no interference by this Court and thus sought for dismissal of the revision petition in *toto*.

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

12. On such perusal of the material on record, overwhelming material evidence is placed on record for sustaining the order of conviction inasmuch as the injured eyewitnesses who did not nurture any previous enmity or animosity against the accused is placed on record.

13. Thus, having regard to the scope of revision petition there is no possibility of interference with the



order of conviction. Use of iron pipe in the incident marked as M.O.1 and injuries noted by the doctor in Exs.P3 and P4 wound certificates would be sufficient enough to conclude the offences under Section 506(B) and Section 324 IPC.

14. This would take this Court to the alternate submission made on behalf of the revision petitioner, learned Trial Magistrate noting that accused being a male member having assaulted the two females with iron pipe did not deem it fit to grant probation.

15. In other words, severity of the incident and the victim in the incident is taken note of by following the principles of law enunciated in ***Guru Basavaraju (Supra)*** by the learned Trial Magistrate.

16. However, there is no discussion with regard to the non-granting of the probation while passing the order regarding sentence.



17. Pertinently the learned counsel for the revision petitioner was also absent when the arguments with regard to the passing of an order of appropriate sentence.

18. Taking note of the same aspects of matter, the submissions made on behalf of the petitioner assume importance. Unfortunately, the learned Judge in the First Appellate Court though raised necessary points in the appeal, did not bestow its attention with regard to the appropriate sentence.

19. Taking note of these aspects of the matter and considering that the accused being the first time offender without any criminal antecedents and he is now aged about 44-45 years with having old age parents and a wife and children to maintain, if the custody already undergone by him is treated as the period of imprisonment for the aforesaid offences by enhancing the fine amount in a sum of Rs.20,000/- payable on or before 10.04.2026, the ends



of justice would be met instead of calling for the report from the Probation Officer at this distance of time.

20. Accordingly, following

ORDER

- (i) The Criminal revision petitioner is ***allowed in part.***
- (ii) While maintaining the conviction of the revision petitioner for the offences punishable under Section 341, 324, 504, 506(B) of IPC, the custody period already undergone by the revision petitioner is to be treated as period of imprisonment and directed to pay enhanced fine amount of Rs.20,000/- on or before 15.04.2026.
- (iii) If the revision petitioner fails to pay the enhanced fine amount on or before 15.04.2026, the order of the sentence passed by learned



Trial Magistrate confirmed by the First Appellate Court stands restored automatically.

- (iv) Out of the fine amount recovered, sum of Rs.10,000/- each is ordered to be paid as compensation to P.W.2 and P.W.3 after due identification, apart from the compensation already ordered by the learned Trial Magistrate.

Office is directed to return the Trial Court Records with copy of this order.

Sd/-
(V SRISHANANDA)
JUDGE

AMM
List No.: 1 Sl No.: 38