



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL REVISION PETITION NO. 100309 OF 2023

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

BETWEEN:

SHRI. SUNIL S/O. SHIVAPUTRAPPA GURLAHOSUR,
AGE. 40 YEARS, OCC. EX-ARMY,
R/O. KATAKOL, TALUKA. RAMDURG,
DISTRICT. BELAGAVI, PIN CODE-591114

...PETITIONER

(BY SRI. SANJAY S. KATAGERI, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY KULAGOD POLICE STATION,
TALUKA. MUDALAGI, DISTRICT. BELAGAVI,
THROUGH ADDL. SPP,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH, PIN CODE-580011

...RESPONDENT

(BY SRI. JAIRAM SIDDI, HCGP)

THIS CRIMINAL REVISION PETITION IS FILED U/SEC. 397 R/W 401 OF CR.P.C. SEEKING TO SET ASIDE THE IMPUGNED JUDGMENT AND ORDER DATED 20.07.2023 PASSED IN CRIMINAL APPEAL NO. 8007/2022 BY THE XII ADDL. SESSIONS JUDGE, BELAGAVI, SITTING AT GOKAK, AND THE JUDGMENT OF CONVICTION AND ORDER OF SENTENCE DATED 14.12.2022 PASSED BY THE CIVIL JUDGE AND JMFC, MUDALAGI, IN CRIMINAL CASE NO. 575/2014 WHEREIN THE PETITIONER HAS BEEN CONVICTED FOR OFFENCES P/U/SEC. 279 OF IPC FOR A PERIOD OF 2 MONTHS SIMPLE IMPRISONMENT AND FINE OF RS.1,000/- AND U/SEC. 304A OF IPC FOR A PERIOD OF 6 MONTHS FOR SIMPLE IMPRISONMENT AND FINE OF RS. 5,000/- WITH DEFAULT CLAUSE OF SIMPLE IMPRISONMENT OF 1 MONTH AND THE SAID SENTENCES SHALL RUN CONCURRENTLY, BY ALLOWING THIS CRIMINAL REVISION PETITION, AND THEREBY ACQUITTING THE





PETITIONER HEREIN FOR THE SAID OFFENCES, IN THE INTEREST OF JUSTICE.

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

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE V.SRISHANANDA)

1. Heard Sri Sanjay S. Katageri, learned counsel for the petitioner, and Sri Jairam Siddi, learned High Court Government Pleader for the respondent.

2. The accused in C.C. No.575/2014, who was convicted for the offences punishable under Sections 279 and 304A of the Indian Penal Code (for short, "the IPC"), and whose conviction was confirmed in CrI.A.No.8007/2022, is the revision petitioner before this Court.

3. The facts, in a nutshell, which are necessary for the disposal of the present petition, are as under:

In respect of a road traffic accident, a complaint was lodged by Rajesh Ganiger, who is none other than the son of the deceased, before the Kulagod Police Station, Mudalgi Circle, Gokak Taluk, Belagavi District, which came to be registered as Crime No.112/2012.



4. The gist of the complaint averments would reveal that the father of the complainant, namely Hanamant Ganiger, was proceeding on his bicycle on 14.07.2012 at about 11.00 p.m. on Yadwad – Mudhol Road. When he reached near the factory belonging to Sadashiv Bhovi, the accused, coming from the Mudhol side on a Hero Honda motorcycle bearing Registration No.KA-24/L-7901, rode the vehicle in a rash and negligent manner and dashed against the bicycle. As a result, the father of the complainant, Hanamant Ganiger, sustained grievous injuries and, while being shifted to the hospital, succumbed to the injuries.

5. In the said accident, the rider of the motorcycle as well as the pillion rider also sustained simple injuries.

6. After registering the case, the police conducted a thorough investigation and filed a charge sheet against the petitioner.

7. The presence of the accused was secured by the learned Trial Magistrate after taking cognizance of the aforesaid offences, and the plea of the accused was



recorded. The accused pleaded not guilty and, therefore, the case was tried.

8. In order to bring home the guilt of the accused, the prosecution examined fifteen witnesses as PWs.1 to 15, including the complainant, panch witnesses, the doctor who conducted the post-mortem examination on the body of the complainant's father, the doctor who issued the wound certificate of the pillion rider, and an eyewitness to the incident.

9. The prosecution also placed on record twelve documents, which were exhibited and marked as Exs.P1 to P12, comprising the complaint, photographs, inquest mahazar, indemnity bond, sketch of the place of the incident, wound certificate, post-mortem report, motor vehicle inspection report, and MLC report.

10. Upon completion of recording of evidence, the statement of the accused, as contemplated under Section 313 of the Code of Criminal Procedure (for short, 'the Cr.P.C.'), was recorded. The accused denied all the incriminating circumstances appearing against him,



including the very occurrence of the accident, and did not lead any defence evidence, except stating that he is not guilty.

11. Thereafter, the learned Trial Judge heard the arguments of both sides and, upon appreciation of the material evidence on record, convicted the accused and sentenced as under:

"ORDER

Acting U/Sec.255(2) of Code of Criminal Procedure, 1973, the accused is convicted for the offences punishable U/Sec.279, 304-(A) of Indian Penal Code.

Further, accused is sentenced to undergo Simple imprisonment for a period of Two month and to pay a fine of Rs.1,000/-for the offence punishable U/Sec.279 of L.P.C. and in default of payment of fine amount, he shall undergo simple imprisonment for a period of one month.

Further, accused is sentenced undergo Simple imprisonment for a period of Six months and to pay a fine of Rs.5,000/-for the offence punishable U/Sec.304(A) of I.P.C. and in default of payment of fine he shall undergo amount simple imprisonment for a period of one month.

The Bail bond and surety bond of the accused shall stand cancelled.

The interim custody of vehicle is hereby made absolute.

All the above said sentences should run concurrently.

Supply free copy of this Judgment to accused."



12. Aggrieved by the said judgment of conviction and sentence, the accused preferred an appeal before the District Court in Crl.A. No.8007/2022.

13. The learned Appellate Judge, after securing the records and hearing the arguments of the parties, dismissed the appeal by a reasoned judgment dated 20.07.2023.

14. Being further aggrieved by the concurrent findings of both the Courts, the petitioner has approached this Court by way of the present revision petition.

15. Sri Sanjay S. Katageri, learned counsel for the petitioner, reiterating the grounds urged in the revision petition, vehemently contended that both the Courts below have not properly appreciated the material evidence on record and have erroneously convicted the accused, resulting in miscarriage of justice. He therefore sought for allowing the revision petition.

16. Alternatively, learned counsel would contend that in the event this Court upholds the order of conviction, considering that the petitioner is an ex-serviceman and has remaining service tenure to serve the nation and has also



secured an appointment in the Police Department, this Court may enhance the fine amount and set aside the sentence of imprisonment.

17. *Per contra*, the learned High Court Government Pleader opposed the revision petition, contending that both the Courts below have rightly appreciated the evidence on record.

18. He further submitted that the accused has not made out any mitigating circumstance warranting reduction of sentence and that merely on the ground that the petitioner is an ex-serviceman, no leniency can be shown. He therefore sought for dismissal of the revision petition in *toto*.

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

20. On such perusal, it is noticed that PW1, the complainant, is the son of the deceased. He deposed that on 14.07.2012 at about 10.30 p.m., when his father was proceeding on a bicycle on Mudhol-Yadwad Road, the accused rode the motorcycle bearing Registration No. KA-



24-L-7901 in a rash and negligent manner and dashed against the bicycle, as informed to him by PW2.

21. PW1 further deposed that upon receiving information from PW2, he rushed to the spot, whereafter his father was shifted to the hospital, wherein he succumbed to the accidental injuries.

22. PW2 is the eyewitness to the incident, who categorically stated that he saw the accident when the deceased was proceeding on his bicycle and the petitioner herein came from the Mudhol side and dashed against the bicycle in a rash and negligent manner, resulting in grievous head injuries to Hanamant, besides the pillion rider sustaining simple injuries.

23. He further stated that he informed PW1 by visiting his house. PW2 identified the accused as well as the motorcycle involved in the accident before the Court.

24. PW3, the wife of the deceased, and PW5, another son of the deceased, deposed in line with the testimony of PW1.



25. Ex.P5 is the photographs taken at the time of inquest mahazar, which clearly depicts the head injuries sustained by the deceased. Ex.P10, the post-mortem report, reveals cut-lacerated wounds and abrasions on the forehead and skull. On opening the skull, bleeding clots were noticed. Bleeding from the nostrils and swelling of the head and face were also observed.

26. PW13, the doctor who conducted the autopsy, deposed that the cause of death was hemorrhagic shock due to severe head injury sustained in the accident.

27. In the wake of such overwhelming material evidence on record, the accused went to the extent of denying the very occurrence of the accident itself. If the contention of the petitioner that he is a law-abiding citizen and an ex-serviceman is to be accepted, he ought not to have denied the accident when his statement under Section 313 of the Cr.P.C., was recorded.

28. On the contrary, he should have admitted the incident and offered a plausible explanation. It is also



pertinent to note that the petitioner did not lodge any complaint with the police regarding the incident.

29. Therefore, the argument that the petitioner is a law-abiding citizen cannot be accepted.

30. Recording of an accused's statement under Section 313 of the Cr.P.C., serves a dual purpose: firstly, it affords an opportunity to explain the incriminating circumstances appearing against him; secondly, it enables the accused to place his version of the incident on record. If the accused deliberately fails to avail of this opportunity, the consequences must follow in law.

31. This view is supported by the judgment of the Hon'ble Apex Court in ***Ravi Kapur Vs. State of Rajasthan***¹.

32. Applying the above principles to the case on hand, when a specific question was put to the accused based on the testimony of the eyewitness (PW2), the accused ought to have explained how the incident occurred and what steps he took to avoid the accident. He also had

¹ (2012) 9 SCC 284



the opportunity to place his explanation in writing or to examine himself. For reasons best known to him, he failed to do so.

33. In view of the above discussion, the concurrent finding of conviction recorded by both the Courts does not warrant interference, particularly having regard to the limited scope of revisional jurisdiction, as held by the Hon'ble Apex Court in ***Amit Kapoor Vs. Ramesh Chander and Another***².

34. This leads to the next limb of the argument regarding sentence. Learned counsel for the petitioner contended that the accused is an ex-serviceman and has secured an appointment in the State Police and, therefore, the sentence of imprisonment ought to be set aside by enhancing the fine amount.

35. It is pertinent to note that this mitigating circumstance was not urged either before the Trial Court or before the Appellate Court. Further, the conduct of the accused does not reflect that of a law-abiding citizen.

² (2012) 9 SCC 460



Despite the occurrence of the accident and the deceased having sustained grievous injuries, the accused neither shifted the injured to the hospital nor lodged a complaint with the police. On the contrary, he denied the accident itself.

36. Therefore, at no stretch of imagination can the petitioner be termed a law-abiding citizen. Merely because the petitioner is an ex-serviceman cannot be a ground to reduce the sentence of six months' imprisonment, which is the minimum sentence in matters of this nature, in view of the dictum of the Hon'ble Apex Court in ***State of Punjab Vs. Saurabh Bakshi***³.

37. Hence, none of the contentions urged on behalf of the petitioner merit consideration.

ORDER

- i. Admission declined.
- ii. The revision petition is ***dismissed***.

³ (2015) 5 SCC 182



- iii. Time is granted to the petitioner to surrender before the Trial Court on or before **28.02.2026** to serve the sentence imposed.
- iv. The Office is directed to return the Trial Court records along with a copy of this order forthwith.

Sd/-
(V.SRISHANANDA)
JUDGE

AC
Ct-cmu
LIST NO.: 1 SL NO.: 25