



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 25TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL REVISION PETITION NO.100049 OF 2021
(397 OF Cr.PC/438 OF BNSS)

BETWEEN:

SHIVANAND S/O. RACHAPPA AIHOLE,
AGE: 48 YEARS, OCC: AGRICULTURE,
R/O. AMINGAD, TQ. HUNGUND,
DIST. BAGALKOT-587201.

...PETITIONER

(BY SRI P. N. HOSAMANE, ADVOCATE)

AND:

STATE OF KARNATAKA,
THROUGH CPI HUNGUND CIRCLE,
HUNGUND, REPT. BY SPP HIGH COURT,
DHARWAD-580001.

...RESPONDENT

(BY SRI JAIRAM SIDDI, HCGP)

THIS CRIMINAL REVISION PETITION IS FILED U/S.397 R/W. 401 OF THE CODE OF CRIMINAL PROCEDURE, PRAYING TO CALL FOR THE RECORDS AND SET ASIDE THE JUDGMENT AND ORDER OF CONVICTION AND SENTENCE PASSED BY THE COURT OF IN CRIMINAL APPEAL NO.34/2012, DATED 27/12/2019 BY THE COURT OF II ADDL. DISTRICT AND SESSIONS JUDGE, BAGALKOT AND JUDGMENT AND ORDER OF CONVICTION AND SENTENCE PASSED BY COURT OF ADDITIONAL CIVIL JUDGE AND JMFC, HUNGUND IN C.C.NO.971/2005 DATED 18/02/2012 FOR THE OFFENCE U/S.454, 380 OF IPC, AND ACQUIT THE PETITIONER FOR THE ALLEGED OFFENCE, AS IN THE INTEREST OF JUSTICE.

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



CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

Heard Sri.P.N.Hosamane, learned counsel appearing for the review petitioner, Sri. Jairam Siddi, learned HCGP appearing for the respondent/State.

2. This review petition is filed against the concurrent findings on the judgment of conviction and order of sentence passed by the trial court and first appellate court.

3. Learned counsel for the review petitioner submitted that so far as accused No.2 is concerned in Crl.R.P.No.100017/2021 the order of conviction has been set aside by enhancing the fine amount in a sum of Rs.35,000/- for each of the offence. Therefore, the review petitioner/accused No.1 is also to be made to suffer the same sentence in the line of the order passed in the above stated Crl.R.P.No.100017/2021 in respect of the accused



No.2 as there is no distinct allegations made against accused Nos.1 and 2.

4. Upon considering the evidence on record the prosecution is able to establish the guilt of the accused and there is no perversity found in quashing the judgment of conviction. Therefore, the judgment of conviction recorded by both the Courts below is liable to be confirmed.

5. But so far as the order of sentence is concerned, there is need to make modification in the line of the order passed by the Coordinate Bench of this Court as above stated. This Court so far as the accused No.2 in the above case has set aside the sentence of imprisonment for a period of two years, but has enhanced the fine amount in a sum of Rs.35,000/- for each of the offences totaling to Rs.70,000/-.

6. Therefore, on parity when there is no distinction of role of each accused Nos.1 and 2, the accused No.2 is



sentenced to pay fine amount of Rs.35,000/- for each of the offence. Therefore, same is extended to this review petitioner/accused No.1 also on the ground of parity. Hence, I proceed to pass the following;

ORDER

- (i) The criminal revision petition is ***allowed***.
- (ii) The judgment of conviction dated 18.02.2012 passed by the Addl. Civil Judge & JMFC, Hungund, in C.C.No.971/2005, which is confirmed in the judgment dated 27.12.2019 passed by the II Additional District and Sessions Judge, Bagalkot, in Cr.A.No.34/2021 so far as making the petitioner/accused to suffer imprisonment is set aside. The order of sentence is modified to the extent of enhancing the fine amount of Rs.35,000/- for each of the offence totaling to Rs.70,000/-.
- (iii) Ordered accordingly.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE