



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL REVISION PETITION NO. 200095 OF 2024

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

BETWEEN:

NAGENDRA
S/O RAMANNA KALASANOOR
AGE: 40 YEARS, OCC: DRIVER
R/O KEROLLI VILLAGE
TQ: CHINCHOLI,
DIST: KALABURAGI-585324.

...PETITIONER

(BY SRI. MAHANTESH H. DESAI, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH SULEPETH P.S.
REPRESENTED THROUGH
ADDL. STATE PUBLIC PROSECUTOR
OF HON'BLE HIGH COURT OF KARNATAKA
BENCH KALABURAGI-585104.

...RESPONDENT

(BY SRI.GOPALKRISHNA B. YADAV, HCGP)

THIS CRL.RP IS FILED U/S 397 R/W 401 OF CR.P.C U/S
438 R/W 442 OF BNSS, PRAYING TO ALLOWED THE REVISION
PETITION BY SETTING ASIDE THE JUDGMENT PASSED BY THE
HONOURABLE COURT OF IV ADDL. DIST AND SESSIONS





JUDGE AT KALABRUAGI SITTING AT SEDAM IN CRL. APPEAL NO.70/2019 DATED 11-06-2024 AND SET ASIDE THE JUDGMENT PASSED BY THE HONOURABLE COURT OF ADDL. JMFC AT CHINCHOLI IN C.C.NO.561/2015 ON DATED 14-10-2019 AND ACQUIT THE REVISION PETITIONER.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

The revision petitioner has filed this revision petition under Section 438 read with 442 of the BNSS, 2023, to set aside the judgment passed by the Addl. JMFC, Chincholi (for short, 'the Trial Court'), passed in C.C.No.561/2015 dated 14.10.2019, which is confirmed by the IV-Addl. Dist. & Sessions Judge, Kalaburagi sitting at Sedam (for short, 'the First Appellate Court') in Crl.Appeal No.70/2019 dated 11.06.2024.

2. For the sake of convenience, the parties are referred to as per their ranks before the Trial Court.



3. Brief facts leading to filing of this revision petition is that, CPI submitted the charge-sheet against the accused for the commission of offences under Section 279, 304-A of IPC and Section 187 of IMV Act. It is alleged by the prosecution that on 04.05.2015 at about 7:30 p.m. within the limits of Sulepet police station, on Kondampalli-Kerolli main road, near the land of one Chandrashekhar Malipatil, the accused being the driver of auto rickshaw bearing No.KA-32-B-1644 drove the same in a high speed, negligent manner and dashed to the Babli tree by the side of the road. As a result of which the inmates of auto i.e. Shankar s/o Tippanna Ganapur sustained grievous injuries on his back and he was shifted to Government Hospital, Kalaburagi on 05.05.2015 at 11:20 p.m. accused died due to accidental injuries. After the accident, accused has not intimated the same to the police and failed to provide first aid to the injured. Thus, the accused has committed the offence under Section 279, 304-A of IPC and Section 187 IMV Act. After filing the



charge-sheet, the case was registered in C.C.No.561/2015. Accused appeared before the Court and enlarged on bail. On hearing, charge was framed. The same was read over and explained to the accused. The accused pleaded not guilty and claimed to be tried.

4. To prove the guilt of the accused, the prosecution has examined in all 11 witnesses as PW.1 to 11 and got marked 10 documents as Exs.P1 to P10. On closure of prosecution side evidence, the statement under Section 313 Cr.P.C. was recorded. The accused has denied the incriminating evidence appearing against him. However, accused has not adduced any evidence on his behalf.

5. Having heard arguments both sides, the Trial Court has convicted the accused for the offences punishable under Sections 279, 304-A of IPC and Section 187 of IMV Act and passed sentence of 1 year for the offence under Section 304-A of IPC and to undergo simple imprisonment for 1 month for the offence under Section



279 of IPC and sentence to pay Rs.2,000/- for the offence under Section 187 of IMV Act. Being aggrieved by this judgment of conviction and order on sentence, the accused has preferred appeal before the IV Additional District and Sessions Judge, Kalaburagi, Sitting at Sedam in Criminal Appeal No.70/2019, same came to be dismissed on 11.06.2024. Being aggrieved by both the judgments, the petitioner has filed this petition.

6. The learned counsel for the petitioner has urged the following grounds:

"1. That the order under revision is against the well established principles of law and facts of the case. Hence order under revision is liable to be set aside.

2. That the order passed by the Hon'ble court of IV Addi Dist and Sessions judge at Kalaburagi Sitting at Sedam in Cri App No.70/2019 on dated 11/06/2024 is against well established principles of law, hence it is liable to be set aside.



3. That the court below given the reason for dismissing the appeal is against provisions of law, hence it is liable to be set aside.

4. That the PW-1 is the complainant and he is not the eye witness and as per his complaint, he came to the police station and lodged the written complaint on 5/05/2015 at about 6.30 am against the unknown driver name and address. In his examination of chief he does not saw the driver, the police told his name Nagendrappa after caught hold him. He was not stated about the rash and negligent act of driving of the driver. The witness has turned hostile.

5. That the PW-1 in his chief examination he has not at all stated about the identification of accused / Revision Petitioner and in his cross examination by the accused that he admitted that he was given the complaint at Gulbarga and CW-7 does not informed driver name even accused also Kerolli village.

6. That the PW-3 Meerasab is one of the eye witnesses to the incident in his chief examination he has not at all stated about the identification of accused/appellant. He stated that 2 years back at about 7.00 pm Meerasab, Shankar and Siddappa were proceeding in Auto from Sulepeth to Kerolli village. Auto turned turtle near Konampalli village. He sustained injuries to his back, one person belongs to



Ganganapalli sustained head injury, Shankar sustained injuries to his head and chest. He was not stated about the rash and negligent act of driving of the driver. The witness has turned hostile.

7. That the PW-3 Meerasab in his cross examination by the accused that he admitted he know the accused by child but in his statement was given before the police on 05/05/2015 that accused name and address not known even he was traveling his auto of the same village it shows some suspicious to the involvement of accused. He was suastained injuries and he was taken treatment at Chandapur Hospital but there is no MLC and would certificate collected by the police. In his chief examination he does not stated the Shrishail name but he was stated one Siddappa was traveling along with him but he was not the chargesheet witness.

8. That the PW-4 Shrishail is one of the eye witnesses to the incident in his chief examination he was not stated about the rash and negligent act of driving of the driver. The witness has turned hostile.

9. That the PW-4 Shrishail in his cross examination by the accused that he admitted he know the accused by small age but in his statement was given before the police on 05/05/2015 that accused name and address not known even he was traveling his



auto of the same village it shows some suspicious the involvement of accused. He was unconscious and not taken treatment. He was not given statement before police. He was not gone to the police station in a single time.

10. That the PW-6 Mallappa and PW-7 Ravulappa in their chief examination that both were standing in the bus stand of their village CW-7 Shrishail came there and tell about the accident. It shows that the PW-6 and PW-7 are not the eye witnesses to the incident. After they were came to the Sulepeth Hospital, where police all written it. In there chief examination they are not stated about the Identification of the accused. That the hearsay evidence is not admissible, PW-6 and 7 are hearsay witnesses.

11. That the PW-9 Siddaram HC-315 who is registered the case and also conducted spot and seizure panchanama in the presence of CW-2 and 3 on 05/05/2015 at about 8.30 am to 9.30 am on the spot as per Ex P-2. That the PW-10 Ranappa ASI who is conducted the inquest panchanama in the presence of CW-4 and 5 on 05/05/5015 at about 10.00 am to 11.30 am at Govt Hospital Kalaburagi. The distance between Kalaburagi to Sulepeth and Spot to Kalaburagi there is 75 km to 80 km, then how it is possible to conduct both panchanama within



30 minutes and also both the hand writing also same.

12. That the PW-11 R Panchaksharayya 10 who filed the chargesheet, he admitted in the cross examination that the he collected the license from the accused. Owner was driving auto. As per the case of the prosecution PW-8 is the owner of the Auto and he was executed the indemnity bond and Police released the Auto in favour of PW-8 Basavaraj on 28/07/2015.

13. That the PW-1 was given the complaint as not known Driver name and address and the PW-3 and PW-4 are also in their statement the driver name and address not known but the PW-3 and 4 traveling the auto to their Kerolli village and accused is residing in Kerolli village why they are not stated the name and address of the driver. It is clearly shows that the accused / Revision Petitioner having valid driving license and colluded with the police and involved the accused /Revision Petitioner as accused for getting the compensation from the Insurance Company

14. The complaint is registered on 05/05/2015 at about 6.30 am and it is sent to the concerned magistrate through Laxmikant PC at about 8.30 am but it was reached to the magistrate on 05/05/2015



at about 8.00 pm at home office as per Ex P-7. The Laxmikant PC is not made the chargesheet witness.

15. That the prosecution has failed to prove the case beyond reasonable doubt. That the learned trial judge failed to appreciate the evidence on record, facts of the case and came to wrong conclusion, which is liable to be set-aside.

16. That the court below has not appreciated the evidence on record properly and not applied correct position of law applicable to the facts of the case. Hence judgement under appeal is liable to be set aside.

17. The viewed from any angle, the judgement and order of conviction and sentence recorded by the trial judge is even otherwise erroneous, illegal and deserves to be set aside.

18. That the accused/Revision Petitioner is entitling for an order of acquittal.

19. That the court below fails to appreciate the oral and documentary evidence properly and came to wrong conclusion which resulted in miscarriage of justice. Hence the judgement under revision may be set aside."

On all these grounds, he prays to allow this petition.



7. As against this, learned High Court Government Pleader would submit that the Trial Court has properly appreciated the evidence on record in a proper perspective manner and there are no grounds to interfere with the impugned judgment of conviction and order on sentence passed by the Trial Court which is confirmed by the appellate Court and prays to dismiss the petition.

8. Having heard the arguments on both sides and on perusal of the material, the following points would arise for consideration:

(1) Whether the judgment of conviction and order on sentence passed by the Trial Court which is confirmed by the Appellate Court, is illegal, perverse and not sustainable under law?

(2) What order?

9. My answers to the above points are as under:



Point No.1: Affirmative.

Point No.2: As per the final order:

Regarding Point No.1:

10. I have examined the material placed before this Court.

11. It is the case of the prosecution that:

On 04.05.2015 at about 7:30 p.m., within the limits of Sulepet police station, on Kondampalli-Kerolli main road, near the land of one Chandrashekhar Malipatil, the accused being the driver of auto rickshaw bearing No.KA-32-B-1644 drove the same in a high speed, negligent manner and dashed to the Babli tree by the side of the road. As a result of which, the inmates of auto i.e., Shankar S/o Tippanna Ganapur sustained grievous injuries on his back and he was shifted to Government Hospital, Kalaburagi on 05.05.2015 at 11:20 p.m., the accused died due to accidental injuries. After the accident, accused has



not intimated the same to the police and failed to provide first aid to the injured.

12. To prove the guilt of the accused, the prosecution has examined eleven witnesses as PW.1 to PW.11 and ten documents are marked as Exs.P.1 to P.10.

13. PW.1 Hanmanth S/o Kashappa is the complainant. He is not an eyewitness. He has partly turned hostile. PW.2 Shivaputrappa S/o Gundappa is the attesting witness to the spot and seizure panchanama Exhibit P.2.

14. PW.3 Meerasab S/o Mastansab has deposed in his evidence that about two years back one day at 07.00 p.m., he was proceeding in an auto along with Shankar and Siddappa from Sulepet to their village and near Kondampalli village, the auto was capsized. As a result of which, he has received injuries on his back and one of the persons belonging to Garagapalli sustained injuries on his head. The deceased Shankar has received the injuries on



his head and chest and he died. He has not deposed anything against the accused as to rash and negligent act on the part of the accused. Hence, he was treated as a hostile witness and with the permission of the Court and cross-examined by the prosecution.

15. PW.4 Srisail S/o Basavaraj has deposed in his evidence that the deceased Shankar is his uncle. In the month of May, 2015, one day at 06.30 p.m., he was proceeding in a tum-tum auto along with CW.6 and deceased Ashok from Sulepet to Kerolli. Near Kondampalli village, the auto dashed against Babli tree growing by the side of the road. The deceased Shankar has received severe injuries on his head and chest. Meerasab has sustained injuries, but he has not seen. He lost his consciousness. On the same day, Shankar died in Kalaburagi Hospital. The accused was the driver of the auto at the relevant point of time and the police have not recorded his statement. This witness is treated as partly hostile witness and cross-examined by the APP.



16. PW.5 Rajshekhar S/o Shivappa said to be the attestor to Ex.P.2 Mahazar and has not supported the case of the prosecution.

17. PW.6 Mallappa S/o Saidappa has deposed his evidence that he is the father-in-law of deceased Shankar. About two years back, one day at 07.00 p.m., he and Ravulappa were standing near bus stand of their village. CW.7 came and informed as to the accident. Thereafter, they went to the spot of accident and found the dead body of Shankar. Auto was capsized. The deceased Shankar has received injuries on his forehead, both elbows and ribs. The auto driver was not present and he fled after the accident.

18. PW.7 Ravulappa S/o Mallappa has deposed that the deceased Shankar is the son-in-law. He deposed same in line with PW.6.



19. PW.8 Basavaraj S/o Shivaputrappa, the previous owner of the auto deposited as to the execution of agreement to the Police per Ex.P.5.

20. PW.9/Siddaray, is the retired ASI, PW.10/Ravanna, is the retired PSI and PW.10/R. Panchakshari is the Police Inspector. They have deposited as to their respective investigation.

21. A careful examination of the entire evidence on record makes it crystal clear that the genesis of the case arises from the complaint filed by PW.1 Hanamant in which it is stated as under:

“ನಾನು ಅಂದರೆ ಹಣಮಂತ ತಂದೆ ಕಾಶಪ್ಪ ಕಾಳಾನೂರ, ವಯಸ್ಸು-43 ವರ್ಷ, ಜಾತಿ- ಮಾದಿಗ, ಉದ್ಯೋಗ- ಒಕ್ಕಲುತನ, ಮು: ನಿಡಗುಂದಾ.

ತಮ್ಮಲ್ಲಿ ವಿನಂತಿ ಅರ್ಜಿ ನೀಡುವದ್ದೇನೆಂದರೆ ನನ್ನ ತಂಗಿಯಾದ ಬಾಬಮ್ಮ @ ಚಂದ್ರಕಲಾ ಇವಳಿಗೆ ಕೆರೋಳ ಗ್ರಾಮದ ಶಂಕರ ತಂದೆ ತಿಪ್ಪಣ್ಣ ಗಣಪೂರ ಈತನಿಗೆ ಕೊಟ್ಟ ಲಗ್ನ ಮಾಡಿದ್ದೆ ಅವಳಿಗೆ ಎರಡು ಗಂಡು 1 ಹೆಣ್ಣು ಮಕ್ಕಳಿದ್ದಾರೆ.

ನಿನ್ನೆ ದಿನಾಂಕ 04.05.2015 ರಂದು ರಾತ್ರಿ 10.00 ಗಂಟೆ ಸುಮಾರಿಗೆ ನಮ್ಮ ತಂಗಿಯ ಭಾವನ ಮಗನಾದ ಶ್ರೀಶೈಲ್ ತಂದೆ ಬಸ್ಸಪ್ಪ ಗಣಪೂರ ಇತನು ಪೋನ್ ಮಾಡಿ ತಿಳಿಸಿದ್ದೇನೆಂದರೆ ನಾನು ಮತ್ತು ನಮ್ಮ ಚಿಕ್ಕಪ್ಪನಾದ ಶಂಕರ ತಂದೆ ತಿಪ್ಪಣ್ಣ ಗಣಪೂರ ಹಾಗೂ ನಮ್ಮ ಗ್ರಾಮದ ಮೀರಾಸಾಬ ತಂದೆ ಮಸ್ತನಸಾಬ ಕೋಡ್ಲಿ ಮೂರು ಜನರೂ ಕೂಡಿ ಸುಲೇಪೆಟದಿಂದ ಕೆರೋಳಗೆ ಟಂ ಟಂ ನಂ. ಕೆಎ 32 ಬಿ 1644 ನೇದ್ದರಲ್ಲಿ ಕುಳಿತು ಉರಿಗೆ ಹೋರಬಾಗ ಟಂ ಟಂ ಚಾಲಕನು ತನ್ನ ವಶದಲ್ಲಿದ್ದ ಟಂ ಟಂ ಅನ್ನು ಮಾನವನ ಜೀವಕ್ಕೆ ಅಪಾಯವಾಗುವ ರೀತಿಯಲ್ಲಿ, ಅತಿ ವೇಗದಿಂದ ಹಾಗೂ ನಿಷ್ಕಾಳಜಿತನದಿಂದ ಚಲಾಯಿಸತೊಡಗಿದ್ದನು. ಆಗ ನಮ್ಮ ಚಿಕ್ಕಪ್ಪ



ಇವರು ಆತನಿಗೆ ಸಾವಕಾಶವಾಗಿ ಚಲಿಸುವಂತೆ ಹೇಳಿದ್ದರು ಹಾಗೆಯೇ ಅತಿ ವೇಗದಿಂದ ಚಲಾಯಿಸತೊಡಗಿದ್ದನ್ನು. ನಾವು ಕೊಂಡಂಪಳ ಗ್ರಾಮ ಇನ್ನು ಸ್ವಲ್ಪ ದೂರ ವಿರುವಾಗಲೇ ಬ್ರಾನ್ಸ್‌ಫಾರ್ಮರ್ ಹತ್ತಿರ ಇರುವ ರೊಡಿನ ಎಡಭಾಗದಲ್ಲರುವ ಬಬಲ ಮರಕ್ಕೆ ಹಾಯ್ದು ಮರಕ್ಕೆ ಡಿಕ್ಕಿ ಪಡಿಸಿದ್ದನು. ಈ ಘಟನೆಯಿಂದ ನನಗೂ ಮತ್ತು ಮೀರಸಾಬ ಇತನಿಗೂ ಯಾವುದೇ ರೀತಿಯಾದ ಹೆಚ್ಚಿನ ಗಾಯಗಳಾಗಿರಲಿಲ್ಲ ನಮ್ಮ ಚಿಕ್ಕಪ್ಪನಾದ ಶಂಕರ ಇವರಿಗೆ ತಲೆಯ ಹಿಂಬಾಗಕ್ಕೆ ಹಣ್ಣೆಯ ಮೇಲೆ ಎಡಗೈ ಹಸ್ತಕ್ಕೆ ಎಡಗೈ ಮೋಣಕ್ಕೆಗೆ ಎರಡು ಮೋಣಕಾಲುಗಳಿಗೆ ಮತ್ತು ಬಲಗಾಲಿನ ಕಪ್ಪುಗಡ್ಡೆ ಸಾದ ಹಾಗೂ ಭಾರಿ ರಕ್ತ ಗಾಯಗಳಾಗಿರುತ್ತವೆ.

ಈ ಘಟನೆ ಜರುಗಿದ್ದಾಗ ಸಾಂ ಕಾಲ ಅಂದಾಜು 7.30 ಗಂಟೆ ಯಾಗಿರಬಹುದು ಇದನ್ನು ನೋಡಿ ಒಂ ಒಂ ಚಾಲಕನು ಓಡಿ ಹೋಗಿರುತ್ತಾನೆ. ಆತನ ಹೆಸರು ವಿಳಾಸ ಗೊತ್ತಿರುವುದಿಲ್ಲ. ನಂತರ ನಾನು ಮತ್ತು ಕೊಂಡಂಪಳ ಗ್ರಾಮದ ನಮ್ಮ ಸಂಬಂಧಿಕರಾದ ರಾವಲಪ್ಪ ಶಾರದ ಹಾಗೂ ಮಲ್ಲಪ್ಪ ಶಾರದ ಕೂಡಿ ನಮ್ಮ ಚಿಕ್ಕಪ್ಪನಿಗೆ ಉಪಚಾರದ ಕುರಿತು ಸುಲೇಪೆಟ ಆಸ್ಪತ್ರೆಗೆ ಸೇರಿಕೆ ಮಾಡಿದ್ದು. ನಂತರ ಹೆಚ್ಚಿನ ಚಿಕಿತ್ಸೆಗಾಗಿ ಜಿಲ್ಲಾ ಸರಕಾರಿ ಆಸ್ಪತ್ರೆಗೆ ಒಯ್ಯುತ್ತಿದ್ದೇವೆ ಅಂತ ತಿಳಿಸಿದ್ದೆನು. ನಂತರ ಇಂದು ದಿನಾಂಕ 05.05.2015 ರಂದು ರಾತ್ರಿ 1:00 ಗಂಟೆ ಸುಮಾರಿಗೆ ಶ್ರೀಶೈಲ್ ಪುನ: ಪೋನ್ ಮಾಡಿ ತಿಳಿಸಿದ್ದೇನೆಂದರೆ ನಮ್ಮ ಚಿಕ್ಕಪ್ಪನಾದ ಶಂಕರ ಇವರಿಗೆ ಉಪಚಾರದ ಸಲುವಾಗಿ ಜಿಲ್ಲಾ ಸರಕಾರಿ ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ಸೇರಿಗೆ ಮಾಡಿದ್ದಾಗ ವೈದ್ಯಾಧಿಕಾರಿಗಳು ನೋಡಿ ಮೃತ ಪಟ್ಟಿರುತ್ತಾನೆ ಅಂತಾ ತಿಳಿಸಿರುತ್ತಾರೆ. ಕಾರಣ ಅಪಘಾತ ಮಾಡಿದ ಒಂ ಒಂ ಚಾಲಕನ ವಿರುದ್ಧ ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸಬೇಕು ಅಂತಾ ಮಾನ್ಯರವರಲ್ಲಿ ವಿನಂತಿ.”

22. On the basis of this complaint, Sulepet police have registered the case in Crime No.62/2015 against the driver of the auto bearing No.KA-32-B-1644 for the commission of offences under Sections 279 and 304A of IPC and Section 187 of the MV Act. The complaint at Exhibit P.1 does not reveal the name of the accused. As per the evidence of the Investigating Officer/PW.11, the accused voluntarily appeared before the police on



16.06.2015 and he was arrested on the same day and released on bail. The Investigating Officer has not deposed as to the compliance of Section 133 of MV Act. When the Investigating Officer has not traced the accused after the accident, it is his duty to ascertain who was the driver of the vehicle at the time of the accident by issuing notice under Section 133 of the MV Act to the owner of the vehicle.

23. PW.8, the owner of the vehicle has deposed that he has not witnessed the incident. He has not deposed as to the receipt of notice under Section 133 of the MV Act. Without issuing notice under Section 133 of the MV Act to the owner of the vehicle and without collecting the driving licence of the accused, the Investigating Officer has filed the chargesheet against the present accused. The Investigating Officer has not issued any notice to the accused to ascertain whether he was the driver of the offending vehicle on the date of incident. However, the accused voluntarily appeared before the



police after lapse of one and half months from the date of accident and he was released on bail by the Investigating Officer.

24. PW.8 has deposed that he has sold the auto bearing No.KA-32-B-1644 to the accused, but he has not produced any documents in this regard. The Investigating Officer has not collected any material in this regard. Therefore, the evidence of PW.8 cannot be accepted. The Investigating Officer has not placed sufficient material to come to the conclusion that the accused was the driver of the vehicle as on the date of accident.

25. With regard to the rash and negligent act on the part of the accused is concerned, the material witnesses have not deposed in their examination-in-chief as to the rash and negligent act of the accused. Only after treating them as hostile witnesses, they have admitted the suggestions made by the Assistant Public Prosecutor. The admissions made during the course of cross-examination,



after treating the witnesses as hostile, cannot be treated as trustworthy evidence. If really, the PW.3 and PW.4 have witnessed the incident, they would have filed a complaint against the driver of auto. Even the complaint does not reveal the name of the eyewitnesses. Therefore, it appears that PW.3 and PW.4 are only the planted witnesses. Viewed from any angle, I do not find any cogent, clinching, corroborative and trustworthy evidence to convict the accused for the alleged commission of offences. Both the Courts have not properly appreciated the evidence on record in a proper perceptive manner. Hence, I answer point No.1 in the ***Affirmative***.

Regarding Point No.2:

26. For the aforesaid reasons and discussions, I proceed to pass the following:

ORDER

- (i) The Criminal Revision Petition is ***Allowed***;



- (ii) The impugned judgment of conviction and order on sentence dated 14.10.2019 passed in C.C.No.561/2015 by the Additional JMFC Court, Chincholi, which is confirmed by the IV Additional District and Sessions Judge, Kalaburagi in Criminal Appeal No.70/2019 vide judgment dated 11.06.2024, is hereby set aside;
- (iii) The accused is acquitted of the offences punishable under Sections 279 and 304A of the Indian Penal Code and Section 187 of Indian Motor Vehicles Act.
- (iv) The Trial Court is directed to refund the fine amount, if any, deposited by the accused/revision petitioner in accordance with law;
- (v) The Registry is directed to send a copy of this order along with TCR to the concerned Court.

Sd/-
(G BASAVARAJA)
JUDGE

SDU/RSP
LIST NO.: 1 SL NO.: 56
CT-BH