HC-KAR

NC: 2025:KHC-K:3549
CRL.RP No. 200104 of 2023

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 01ST DAY OF JULY, 2025

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION No.200104 OF 2023

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

BETWEEN:

SHASHIKANTH S/O DILIP DADDEWAD,
AGE:31 YEARS, OCC: DRIVER,
R/O. MUDHOL (B), TQ. AURAD, BIDAR.

…PETITIONER

(BY SRI. PRAKASH YELI, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
BY POLICE INSPECTOR,
TRAFFIC POLICE STATION, BIDAR,
REPRESENTED BY,
ADDL. STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
KALABURAGI-585107.

…RESPONDENT

(BY SRI JAMADAR SHAHABUDDIN, HCGP)

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

THIS CRL.RP IS FILED U/S 397 AND 401 OF CR.P.C BY PRAYING TO ALLOW THIS REVISION PETITION BY SETTING ASIDE THE JUDGMENT AND ORDER DT. 28.07.2023, PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, BIDAR, IN CRL.A.NO.36/2021 AND ALSO SET ASIDE THE IMPUGNED JUDGMENT AND ORDER OF CONVICTION DT. 28.09.2021, PASSED BY THE PRINCIPAL CIVIL JUDGE AND JUDICIAL MAGISTRATE FIRST CLASS-II, AT BIDAR, IN CC NO. 1507/2015, AND CONSEQUENTLY ACQUIT THE PETITIONER.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

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

Heard Sri Prakash Yeli, learned counsel for the revision petitioner and Sri Jamadar Shahabuddin, learned High Court Government Pleader.

2. Revision petitioner is the accused who suffered an order of conviction in C.C.No.1507 of 2015 for the offence punishable under Sections 279 and 304A of the Indian Penal Code and sentenced as under:

> *"In exercising the powers conferred under section 255(2) of Code of Criminal Procedure the accused is hereby convicted for the offence punishable under section 279, 304(A) of Indian Penal Code and under section 187 of IMV act.*
>
> *For the offence U/s 279 of IPC, accused is sentenced to undergo simple imprisonment for 06 months and to pay a fine of Rs.1,000/- in default to undergo accused is sentenced to undergo simple imprisonment for three months.*

For the offence U/s 304-A of IPC, accused is sentenced to undergo rigorous imprisonment for 2 years and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment for 6 months.

For the offence punishable U/s 187 of IMV Act the accused is sentenced to undergo simple Imprisonment for three months and to pay a fine of Rs.500/- in default to undergo simple imprisonment for one month."

3. Questioning the validity of the said judgment of conviction and Order of sentence, accused filed Crl.A.No. 36/2021 on the file of the Prl. District and Sessions Judge, Bidar.

4. The learned Judge in the First Appellate Court, by the judgment dated 28.07.2023 allowed the appeal in part and modified the sentence from 2 years to 4 months for the proved offence punishable under Section 304A of the Indian Penal Code.

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

6. Sri Prakash Yeli, learned counsel for the revisin petitioner, reiterating the grounds urged in the memorandum of the

petition, contended that the imprisonment for the proved offence punishable under Section 304A of the Indian Penal Code may be set-aside by granting the probation and enhancing the fine amount reasonably and sought for allowing the revision petition.

7. Per contra, learned High Court Government Pleader opposes the revision grounds in *toto*.

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

9. On such perusal of the material on record, it is crystal clear that accused is found guilty by two Courts on factual aspects for the offence punishable under Sections 279 and 304A of the Indian Penal Code.

10. Learned Judge in the First Appellate Court, however, using his discretionary powers, modified the sentence of 2 years imprisonment for the offence under Section 304A of the Indian Penal Code to 04 months.

11. In fact, very modification of the sentence itself is opposed to the principles of law enunciated by the Hon'ble Apex Court in the case of ***State of Punjab vs. Saurabh Bakshi*** reported in ***(2015)5 SCC 182***.

12. Nevertheless, in the revision petition filed by the accused, this Court cannot modify the sentence ordered by the First Appellate Court, in the absence of any challenge made by the State.

13. View of this Court is fortified by the judgment of the Hon'ble Apex Court in the case of ***Govind Ramji Jadhav vs. State of Maharashtra*** reported in ***(1990)4 SCC 718*** and ***Sachin vs. State of Maharashtra 2025 INSC 716*** arising out of SLP (Crl) Nos.4795-4797/2025.

14. Accordingly, no grounds are made out to further modify the sentence.

15. Hence, the following:

ORDER

(i) Criminal Revision Person is meritless and is hereby ***dismissed***.

(ii) Time is granted for the Revision Petitioner to surrender before the Trial Court for serving remaining part of the sentence, till 30th July 2025.

Sd/-
(V SRISHANANDA)
JUDGE

kcm
List No.: 1 Sl No.: 67
CT:PK