



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL REVISION PETITION NO.1490 OF 2018

BETWEEN:

1. MR. A. ALFRED
S/O THOMAS
AGED ABOUT 29 YEARS
RESIDENT OF MULEKATTE
INFANT JESUS CHURCH
BHADRAVATHI
SHIVAMOGGA DISTRICT-577 301.

...PETITIONER

(BY SRI. KASHINATH J.D., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY BHADRAVATHI TRAFFICE POLICE STATION
BHADRAVATHI
SHIVAMOGGA DISTRICT
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BENGALURU-560 001.

...RESPONDENT

(BY SRI. DIVAKAR MADDUR, HCGP)

THIS CRL.RP IS FILED UNDER SECTION 397 R/W 401 OF CR.P.C PRAYING TO SET ASIDE THE ORDER OF CONVICTION DATED 17.06.2017 PASSED IN C.C.NO.2088/2014 PASSED BY THE I ADDITIONAL CIVIL JUDGE AND JMFC, BHADRAVATHI AND ALSO SET ASIDE THE ORDER OF CONFIRMATION OF CONVICTION DATED 05.11.2018 PASSED IN





CRL.A.NO.5021/2017 PASSED BY THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, SHIVAMOGGA AT BHADRAVATHI AS ILLEGAL.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

This Court heard the matter on the previous occasion. Having considered the material available on record comes to the conclusion that the Trial Court also appreciated the material available on record and the First Appellate Court also re-appreciated the same and confirmed the sentence for the offence under Section 337 of IPC and modified the sentence in respect of the offence under Sections 279 and 304-A of IPC and ordered to undergo simple imprisonment for a period of six months and pay a fine of Rs.3,000/-. In default of payment of fine, he shall undergo simple imprisonment for a period of two months.

2. The Trial Court also convicted the petitioner for the offence under Section 304-A of IPC and ordered to undergo simple imprisonment for a period of one year and the same was



modified by the First Appellate Court and fine amount was also modified from Rs.8,500/- to Rs.3,000/-.

3. Having reassessed the material available on record, this Court exercising the revisional jurisdiction of this Court does not find error on the legality and correctness of the order passed by the Trial Court and the First Appellate Court. However, taking note of the fact that accident has taken place in the year 2014 and the same is more than a decade, that too, 12 years ago, suggested to the petitioner to pay a fine amount of Rs.4,00,000/- considering that deceased was also aged about 47 years at the time of the incident and sentencing the petitioner to undergo punishment in respect of the accident of the year 2014 would not serve any purpose and the victim's family could be compensated by enhancing the fine amount, instead of undergoing sentence.

4. The counsel appearing for the petitioner would submit that still the petitioner is taking treatment and he is hospitalized. The counsel would submit that instead of petitioner undergoing sentence for a period of six months, he is



ready to pay the amount of Rs.3,00,000/- and seeks one month time to deposit the same in view of hospitalization.

5. Taking note of the factual aspects of the case and also the accident is of the year 2014 and it is an accident and not an intentional act and considering that accident is more than a decade old, it is appropriate to modify the sentence and instead of directing the petitioner to undergo sentence, this Court deems it fit that the same can be modified.

6. In view of the discussion made above, I pass the following:

- (i) The revision petition is allowed.
- (ii) The conviction is confirmed. But, sentence is modified directing the petitioner to deposit an amount of Rs.3,00,000/-, instead of sentence and the petitioner is directed to deposit the same before the Trial Court on or before **08.07.2026**.
- (iii) If the said amount is deposited, the Trial Court is directed to release an amount of Rs.2,75,000/- equally to the parents on



proper identification. The remaining amount of Rs.25,000/- shall vest with the State.

- (iv) If the revision petitioner fails to deposit the amount of Rs.3,00,000/- within the stipulated time, he shall undergo the sentence as modified by the First Appellate Court.

**Sd/-
(H.P.SANDESH)
JUDGE**

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