



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 28TH DAY OF APRIL, 2026
BEFORE
THE HON'BLE MR. JUSTICE V SRISHANANDA
CRIMINAL REVISION PETITION NO. 486 OF 2018
(397(Cr.PC) / 438(BNSS))

BETWEEN:

MR. RIYAZ AHMED
AGED ABOUT 45 YEARS
S/O MOHAMMED A
R/AT UNA-ISHA MANZIL
KEMRAL POST, PAKSHIKERE
MANGALORE - 574 146.

...PETITIONER

(BY SRI HARINATH M.S, ADV.)

AND:

KARNATAKA STATE BY NORTH
TRAFFIC P.S., MANGALORE.
REP BY ITS SPP
HIGH COURT OF KARNATAKA
BANGALORE CITY - 560 001.

...RESPONDENT

(BY SMT. WAHEEDA M.M, HCGP)

THIS CRL.RP IS FILED U/S.397 R/W 401 CR.P.C PRAYING TO SET ASIDE THE JUDGMENT DATED 26.02.2018 PASSED IN CRL.A.NO.151/2017 BY THE HON'BLE PRINCIPAL SESSIONS JUDGE, D.K., MANGALORE AND CONSEQUENTLY SET ASIDE THE JUDGMENT DATED 21.10.2017 PASSED IN C.C.NO.3531/2015 BY THE II-JMFC, MANGALORE AND TO ACQUIT THE ACCUSED/PETITIONER HEREIN FOR THE OFFENCES P/U/S 279,304A OF IPC.

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





CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri Harinath M S and Smt. Waheeda M M, learned High Court Government Pleader.

2. Revision Petitioner is an accused, who suffered an order of conviction in C.C.No.3531 of 2015 for the offence punishable under Section 279 & 304A IPC C.C.No.3531 of 2015 confirmed in Criminal Appeal No.151 of 2017.

3. At the outset, Sri. Harinath M.S would submit that accused in the present case being the driver of the car did not run away from the spot after the accident and he has shifted the injured in his own car, which is a mitigating circumstance. Therefore, seeks for showing lenience in setting aside the order of sentence, wherein he has been directed to undergo simple imprisonment for a period of one year and to pay a sum of ₹.5,000/- and with default sentence of three months simple imprisonment by enhancing the fine amount reasonably, which can be paid as compensation to the dependants of the deceased.



4. In order to find out whether the dependents of the deceased would be interested in taking the enhanced compensation so as to set aside the imprisonment, one of the dependants of the deceased by name Santhosh is directed to be present before the Court through High Court Government Pleader. As such, he is present before this Court.

5. Learned High Court Government Pleader would submit that, if reasonable enhancement in the fine amount is made, which can be paid as compensation, the Court may pass suitable orders.

6. Having heard the arguments of both sides, this Court perused the material on record meticulously. On such perusal of the material on record, unfortunate incident occurred on 15.07.2015 at about 06.30 p.m., wherein a precious life of a human being by name Anand Shetty has been lost.

7. However, the material on record including the answer furnished by the accused at the time of recording the accused statement would go to show that after the accident, accused did not run away from the spot. But he stopped the car



and came near the place of incident where injured had fallen down and took steps to shift the injured in his own car to the medical aid.

8. Unfortunately, said Anand Shetty could not survive and therefore, police registered the case against the petitioner for the offence under Sections 279 and 304A IPC.

9. Material evidence placed on record would be sufficient enough to maintain the conviction of the petitioner, even though PW1 to PW4 have turned hostile to the case of the prosecution.

10. Thus, this Court having regard to the limited revisional powers, is required to find out whether the sentence ordered by the trial Magistrate confirmed by the First Appellate Court needs modification in view of the submissions made on behalf of the petitioner that the petitioner is ready to pay the enhanced fine amount.

11. Taking note of the immediate conduct of the petitioner soon after the accident in shifting the injured to the hospital in his own car and his willingness to pay the enhanced



fine amount to the dependants of the deceased, apart from the compensation received by the dependants of the deceased before the Motor Accident Claims Tribunal, this Court is of the considered opinion that sentence needs modification.

12. Further, learned counsel for the petitioner also pressed into service the health condition of the petitioner, wherein petitioner has met with an accident and he is having a rod implant in his right leg. It is also emphasized that because of the said accident, the petitioner lost his job of the driver and he is now eking out livelihood by other small jobs. Thus, in the considered opinion of this Court, if the sentence ordered by the trial Magistrate confirmed by the First Appellate Court for the offence under Section 304A IPC, if modified by directing the petitioner to undergo simple imprisonment for the day till the rising of the Court by enhancing the fine amount in a sum of ₹.1,00,000/- which can be paid as compensation in a sum of ₹.50,000/- each to the wife of deceased Anand Shetty, Mrs. Sumathi and Sri. Santhosh Kumar being the son, ends of justice would be met.



13. At this stage, learned counsel for the petitioner would submit that the said enhanced compensation may be ordered to be paid in two installments having regard to the financial condition of the petitioner.

14. Placing the above submissions on record and in view of the foregoing discussion, following order is passed:-

ORDER

- (i) Criminal Revision petition is allowed in part while maintaining the conviction of the accused for the offence under Section 279 and 304A IPC, sentence of imprisonment ordered by the trial Magistrate confirmed by the First Appellate Court is modified by directing the petitioner to undergo simple imprisonment for the day and to pay enhanced fine amount of ₹.1,00,000/- in two equal installments, one on **31.05.2026** and another on **30.06.2026**.
- (ii) On receipt of the entire fine amount, sum of ₹.50,000/- each is ordered to be paid as compensation to Mrs. Sumathi and Sri



Santhosh Kumar, being the wife and son of deceased Anand Shetty, under due identification.

- (iii) Failure to pay the enhanced fine amount as agreed would automatically result in the restoration of the sentence ordered by trial Magistrate confirmed by the First Appellate Court.
- (iv) Office is directed to return the trial Court records with copy of this order, forthwith for issue of modified conviction warrant.

Sd/-
(V SRISHANANDA)
JUDGE