



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 7<sup>TH</sup> DAY OF JULY, 2026**

**BEFORE**

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

**CRIMINAL REVISION PETITION NO.1300 OF 2022**

**BETWEEN:**

1. PRABHULINGAIAH,  
AGED ABOUT 38 YEARS,  
S/O RAMMAIAH,  
R/AT HANUMANATHA NAGAR,  
NEAR NEELAKANTESHWARA SCHOOL,  
KANAKAPURA TOWN,  
RAMANAGAR TOWN-562117.

PERMANENT R/AT:  
HIPPERAGHA GHAT VILLAGE,  
BASAVANAKALYANA TALUK,  
BIDAR DISTRICT-585327.

...PETITIONER

(BY SMT. LIKITHA M., ADVOCATE FOR  
SRI. RAKSHITH R., ADVOCATE)



**AND:**

1. STATE OF KARNATAKA,  
BY KAGGALIPURA POLICE STATION,  
REPRESENTED BY SPP,  
HIGH COURT OF KARNATAKA,  
AMBEDKAR VEEDHI,  
BENGALURU-560001.

...RESPONDENT

(BY SRI. M. DIVAKAR MADDUR, HCGP)



THIS CRL.RP IS FILED UNDER SECTION 397 R/W 401 OF CR.P.C PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION AND SENTENCE DATED 20.01.2020 PASSED BY THE LEARNED II ADDITIONAL CHIEF JUDICIAL MAGISTRATE BENGALURU RURAL AT BENGALURU IN C.C.NO.2272/2015 AND CONFIRMED BY THE LEARNED IX ADDITIONAL DISTRICT AND SESSIONS JUDGE BENGALURU RURAL AT BENGALURU IN CRIMINAL APPEAL NO.21/2020 BY VIDE ITS JUDGMENT DATED 12.08.2022 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 279, 338, 304A OF IPC AND ACQUIT THE PETITIONER.

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

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

**ORAL ORDER**

Heard the learned counsel for the revision petitioner and the learned High Court Government Pleader appearing for the respondent State.

2. The factual matrix of the case of the State before the Trial Court is that, on 01.08.2014 at about 2.15 p.m., the accused was driving KSRTC bus bearing No.KA-42-F-287 on Bangalore-Kanakapura State Highway, in front of Annapoorneshwari Bar, Udayapalya, Uttarahalli Hobli, Bangalore South, in a rash and negligent manner. The accused after driving the vehicle on the right side of the road has dashed two wheelers bearing No.KA-05-JE-4726 and KA-02-



HZ-6109 coming from opposite direction. Due to the said impact, the rider of the motorcycle bearing No.KA-05-JE-4726, namely Madesh, sustained grievous injuries and was shifted to Bangalore BGS Global Hospital for treatment. The said Madesh at 3.45 a.m. on 02.08.2014 died due to the injuries sustained in the accident. Hence, case was registered for the offence punishable under Sections 279, 338 and 304A of IPC. The police investigated the matter and filed the charge-sheet against the accused. The accused was secured and he did not plead guilty and claimed trial and hence, the prosecution examined P.W.1 to P.W.8 and got marked the documents at Exs.P.1 to 11. On closure of the evidence of the prosecution, the accused was subjected to 313 statement and he denied the incriminating evidence and thereafter, he did not choose to lead any defence evidence. The Trial Court considered the material available on record, particularly the evidence of P.W.1 Kamalappa, the conductor of the bus, who was issuing the ticket to the passengers at the time of the accident and he deposed that he heard the sound suddenly and the driver stopped the bus. The Trial Court also taken note of the injured witness evidence and convicted the accused for the offences



punishable under Sections 279, 338 and 304A of IPC and sentenced for a period two years.

3. The same was challenged before the Appellate Court. The Appellate Court, on re-appreciation of evidence, particularly in paragraph No.26, taken note of the sketch as well as the evidence of eye-witnesses. The Appellate Court observed that Ex.P.11 sketch helps the prosecution to prove the guilt of the accused. The learned counsel for the accused has only suggested P.W.7 that he has prepared Ex.P.11 sketch in the police station and except this, he has not elicited anything from his mouth in order to disprove Ex.P.11 sketch. On re-appreciation of evidence, comes to the conclusion that accident was occurred on account of negligence on the part of the driver of the KSRTC bus and so also taken note of the IMV report, which is marked as Ex.P.7.

4. The learned counsel for the revision petitioner would vehemently contend that both the Courts have committed an error in relying upon the evidence of P.W.1 as well as the injured eyewitness and also fails to take note of there is a discrepancy in the evidence of these witnesses. The



learned counsel would contend that both the Courts failed to consider the evidence available on record. Both the Courts ought to have extended the benefit of doubt in favour of the revision petitioner.

5. Per contra, the learned High Court Government Pleader appearing for the respondent State in his arguments would vehemently contend that the Trial Court has taken note of the evidence of prosecution witnesses, particularly P.W.1 and P.W.2. The evidence of P.W.1 is very clear that the accused was driving the vehicle on the date of the incident and so also the evidence of P.W.2 and P.W.3, who are the panch witnesses to the mahazar Exs.P.2 and 3. P.W.4 who was returning from Harohalli to Bangalore on the date of the incident, witnessed the incident. He has deposed that the bus driver in order to overtake a tempo, came on the extreme side of the road and dashed against Madesh, who was riding two wheeler and also dashed his vehicle. As a result, both of them sustained injuries. Then, he was shifted to KIMS Hospital, Bangalore and Madesh was shifted to BGS Hospital and he succumbed to the injuries and police have also recorded his statement. Considering the evidence of P.W.4, who is also an injured witness, the Trial



Court convicted and sentenced the accused and hence, it does not require any interference.

6. Having heard the learned counsel for the revision petitioner and the learned High Court Government Pleader appearing for the respondent State and considering the material available on record, particularly the evidence of P.W.4 injured witness as well as other witnesses and P.W.1 identified that this revision petitioner is the driver of the KSRTC bus and hence, I do not find any ground to come to a other conclusion that the orders of both the Courts suffer from its legality and correctness and no ground is made out to entertain the revision petition. This Court has to take note of that the accident was taken place in 2014, more than a decade ago and also it is an accident and not an intentional act. The Apex Court in its judgment in the case of **MAHADEVANNA D.M. v. STATE OF KARNATAKA AND ANOTHER** passed in **SLP (Cri.)No.4563/2022** dated 18.05.2026, while considering the similar set of facts in a case of BMTC driver, imposed fine of Rs.5,00,000/-, payable towards compensation to the family of the deceased. In the case on hand, the deceased was aged about 25 years and hence, the learned counsel for the revision



petitioner would submit that instead of sentencing the revision petitioner, the family of the deceased may be compensated by way of ordering for an amount of Rs.4,00,000/-. The learned counsel for the respondent would submit that the sentence is for a period of two years. It is settled law also that in a case of accident, minimum sentence must be six months and here it appears to be exorbitant. Hence, taking into note of the recent judgment of the Apex Court, the family of the deceased may be compensated.

7. In view of the discussions made above, I pass the following:

ORDER

- (i) The criminal revision petition is allowed in part.
- (ii) The sentence is modified directing the revision petitioner to pay compensation of Rs.4,00,000/-. Out of that, an amount of Rs.3,75,000/- is payable to the parents of the deceased equally, if both the parents are alive. If one of the parent is alive, the entire amount to be paid to either the mother or the father of the deceased, on proper identification. The remaining amount of Rs.25,000/- shall vest with the State.



- (iii) The revision petitioner is granted one month time to deposit the amount before the Trial Court.
  
- (iv) The payment of compensation shall not be treated as disqualification for employment, as observed by the Apex Court in the case of **Mahadevanna D.M.** (supra).

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

MD  
List No.: 1 Sl No.: 19