

**Sri Kumar K Vs. State of Karnataka**

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**Court :** Karnataka

**Decided On :** Jul-26-2019

**Judge :** Mohammad Nawaz

**Appeal No. :** CRL.RP 750/2017

**Appellant :** Sri Kumar K

**Respondent :** State of Karnataka

**Advocate for Pet/Ap. :** Sri. Pratheep K.C

**Judgement :**

1 R IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE26H DAY OF JULY, 2019 BEFORE: THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ CRIMINAL REVISION PETITION NO.750 OF2017

BETWEEN :

SRI. KUMAR K., S/O. SRI. KABBALAI AH, AGED ABOUT32YEARS, R/AT RAVUGODLU COLONY, UTTARAHALLI HOBLI, BENGALURU SOUTH TALUK, BENGALURU. [BY SRI. PRATHEEP K.C., ADVOCATE].

AND:

STATE OF KARNATAKA, THALGHATTAPURA POLICE STATION, REP. BY THE STATE PUBLIC PROSECUTOR, HIGH COURT OF KARNATAKA, BENGALURU-560 001. [BY SRI. VIVEK SUBBA REDDY, SPP]. ... PETITIONER

... RESPONDENT

\* \* \* THIS CRIMINAL REVISION PETITION IS FILED UNDER SECTION 397 OF R/W SECTION 401 OF CR.P.C. PRAYING TO SET ASIDE THE IMPUGNED JUDGMENT AND ORDER DATED 29.02.2016 PASSED BY THE II ADDL. C.J.M., BENGALURU RURAL DIST., BANGALORE IN C.C. NO.3922/2014 AND THE ORDER DATED 19.06.2017 PASSED BY THE VIII ADDL. DIST. AND S.J., BENGALURU RURAL DIST., BENGALURU IN CRL.A. NO.15/2016 AND CONSEQUENTLY ACQUIT THE ACCUSED FOR THE OFFENCE P/U/S 279, 337, 338 AND 304(A) OF IPC. 2 THIS CRIMINAL REVISION PETITION COMING ON FOR FURTHER HEARING, THIS DAY THE COURT MADE THE FOLLOWING: ORDER This criminal revision petition is filed by the accused challenging the concurrent findings recorded by the Courts below, wherein he was convicted by the Court of II Additional Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru by Judgment dated 29.02.2016 passed in C.C. No.3922/2014 for the offence punishable under Sections 279, 337, 338 and 304-A of IPC., confirmed by the learned Sessions Judge in Crl.A. No.15/2016 dated 19.06.2017.

2. I have heard Sri. Pratheep K.C., learned counsel for the petitioner and Sri. Vivek Subba Reddy, learned Spl.P.P. for the respondent/State.

3. The case of the prosecution in brief is that; On 24.05.2014, at about 4.00 p.m., on Kanakapura- Bengaluru Main Road, NH-209, near stone slab Dindigallu 440 km., the accused being the driver of the lorry bearing reg. No.KA-42/823, drove the same in a rash and negligent manner so as to endanger human life and personal safety of 3 others and hit against the TVS Wego two wheeler bearing reg. No.KA-41/U-5816, which was coming from the opposite direction i.e., from Kanakapura towards Bengaluru and due to the impact, both the rider and the pillion rider of the two wheeler fell down and sustained grievous as well as simple injuries and thereafter the said lorry went ahead and dashed to the G.K.South Pristine Layout compound wall. In the said accident, the rider of the two wheeler by name B.R.Subramani succumbed to the injuries sustained by him on the way to the hospital. On the complaint lodged by P.W.3, the pillion rider of the two wheeler, a case in Crime No.227/2014 came to be registered at Thalaghattapura Police

Station against the driver of the lorry for the offences punishable under Sections 279, 337, 338 and 304-A of IPC. On 29.04.2014, the accused surrendered before the Investigating Officer and he was released on bail. After conclusion of the investigation, charge-sheet was filed against the accused for the offence punishable under Sections 279, 337, 338 and 304-A of IPC. 4 The accused pleaded not guilty to the accusation made against him and claimed to be tried. In order to bring home the guilt of the accused, the prosecution in all examined P.Ws.1 to 11 and got marked documents Exs.P1 to 14. The defence of the accused was one of total denial. In the statement recorded under Section 313 of Cr.P.C., while answering question No.30, the accused stated that his vehicle did not cause any accident. However, he did not choose to examine any defence witness. The trial court after considering the evidence and material on record, convicted the accused for the offence punishable under Sections 279, 337, 338 and 304-A of IPC and sentenced him to undergo simple imprisonment for a period of three months with fine of Rs.1,000/- and in default of payment of fine to undergo S.I. for a period of one month for the offence punishable under Section 279 of IPC., to undergo simple imprisonment for a period of three months with fine of Rs.500/- and in default of payment of fine to undergo S.I. for a period of one month for the offence punishable under Section 337 of IPC., to undergo simple imprisonment for a period of two years with fine of Rs.1,000/- 5 and in default of payment of fine to undergo S.I. for a period of three months for the offence punishable under Section 338 of IPC and to undergo simple imprisonment for a period of two years with fine of Rs.1,000/- and in default of payment of fine to undergo S.I. for a period of three months for the offence punishable under Section 304-A of IPC. Aggrieved by the aforesaid Judgment and Order of conviction and sentence passed by the trial Court, the accused preferred Crl.A. No.15/2016 before the Sessions Court. The learned Sessions Judge by Judgment and Order dated 19.06.2017 dismissed the said appeal, thereby confirming the conviction and sentence passed by the trial Court. Aggrieved by the concurrent findings recorded by the Courts below, the accused/petitioner is before this Court in this revision petition, questioning the legality and correctness of the impugned Judgment and Order passed by the Courts below.

4. The learned counsel Sri. Pratheep K.C. appearing for the accused/petitioner would contend that the prosecution 6 has utterly failed to prove that the petitioner was the driver of the vehicle in question which caused the accident. The evidence and material on record are not sufficient to hold that the petitioner was the driver and there is an element of doubt with regard to the person who was actually behind the wheels of the lorry, which caused the accident. He further submits that the prosecution has failed to prove the rash or negligent act of the driver of the lorry in question. He submits that according to the prosecution, it is a case of head on collision. However, there is no damage to the front side of the two wheeler. On the other hand, the right side of the two wheeler is badly damaged. He would point towards the evidence of P.W.2 and submits that the said P.W.2 has deposed that the lorry overtook his vehicle and hit against the Wego two- wheeler which was proceeding ahead. Hence, he submits that the case of the prosecution is clouded with doubt and the accident has not taken in the manner projected by the prosecution. It is also his submission that according to P.W.2, the deceased had sustained head injury. However, the same is not forthcoming in the post-mortem report. He contends that the deceased who was riding the two-wheeler, 7 while returning to the college might have been riding the two- wheeler in a high speed and he might have lost balance, skidded and fell on the road and sustained some injuries and the same cannot be attributed to the rash or negligent act of the driver of the lorry in question. He submits that in the 313 Cr.P.C. statement, when the accused was examined, he has specifically stated that his vehicle has not caused the accident and therefore, he submits that both the Courts have failed to appreciate the evidence on record in its proper perspective and erroneously came to the conclusion that the accused was driving the lorry in question and caused the accident by driving the said lorry in a rash and negligent manner. Accordingly, he seeks to set aside the impugned Judgment and Order passed by the Courts below. Per contra, the learned Spl. P.P. Sri. Vivek Subba Reddy contends that, both the Courts have concurrently held that the accident was on account of rash and negligent act of the accused who was driving the lorry in question at the relevant point of time. He submits that from the evidence of P.Ws.2, 3 as well P.W.4, the owner of the lorry, it can be safely concluded that the accused was the driver of the lorry. There 8 is nothing elicited from the cross-examination of P.Ws.2

and 3 to deny or to hold that the accused was not the driver of the lorry in question. He would further contend that P.W.3 was the pillion rider and he is also an injured. P.W.3 has clearly deposed that after visiting the Pyramid Valley, when the deceased and himself while returning to their college situated at Kanakapura and when they reached near Bolare Gate and when they were moving on the left side of the road, at that time, the lorry in question which was coming from the opposite direction suddenly came towards right side of the road and dashed against the two wheeler and thereafter, the lorry went ahead and dashed against the compound wall. Therefore, he submits that the said evidence on record coupled with the sketch marked at Ex.P8 and also the evidence of P.W.2 are sufficient to hold that the accident has occurred on account of the rash and negligent driving by the accused. He submits that P.W.4, the owner of the lorry has clearly stated in the chief-examination that the lorry bearing reg. No.KA-42/823 was registered in his name and it was used for transporting sand and the accused was the driver of the said lorry. He submits that both the Courts have given 9 just and proper reasons after appreciating the evidence and material on record and there are no justifiable grounds to interfere with the findings recorded by the Courts below. Accordingly, he seeks to dismiss the revision petition.

5. I have carefully considered the rival submissions. The points that arise for my consideration are;

1) Whether the prosecution has established that the accident has occurred on account of the rash or negligent driving by the driver of the lorry bearing reg. No.KA-42/823?.

2) Whether the accused/petitioner was driving the said lorry at the relevant point of time?.

3) Whether the Judgment and Order passed by the trial Court confirmed by the lower appellate Court calls for any interference?.

4) What order?.

6. The points raised above are taken up together and answered as under. 10 7. The case of the prosecution is that on 25.04.2014 at 4.00 p.m. on Kanakapura-Bengaluru Main Road, the accused being the driver of the lorry bearing reg. No.KA-

drove the same in a rash and negligent manner so as to endanger human life and personal safety of others and came towards the extreme right side of the road near stone slab Dindigallu 440 k.m. and hit against the two-wheeler bearing reg. No.KA-41/U-5816 which was coming from the opposite direction. On account of which, both the rider and the pillion rider fell down and sustained injuries and the deceased who was riding the said two wheeler succumbed to the injuries and thereby the accused committed the offences punishable under Sections 279, 337, 338 and 304-A of IPC.

8. P.W.3 is the first informant. He was traveling with the deceased on the two-wheeler as a pillion rider. The complaint lodged by P.W.3 is marked as Ex.P1. The case was registered against the driver of the lorry bearing reg. No.KA- 42/823. In the first information report it is stated that on the date of incident at about 2.30 p.m., the deceased and the complainant took TVS Wego scooter bearing reg. No.KA- 41/U-5816 belonging to their friend one Kashyap and went to 11 Pyramid Valley and while they were returning to their college on Bengaluru-Kanakapura road and when they reached Bolare Gate at about 4.00 p.m., at that time, the lorry in question which was coming from Bengaluru and going towards Kanakapura, driven by the accused in a rash and negligent manner came to the right side of the road and dashed against the two-wheeler in which both of them were traveling. On account of which, both of them fell down and sustained injuries. The deceased succumbed to the injuries on the way to the hospital.

9. The first informant has been examined as P.W.3. He has re-iterated the complaint version. He has deposed that the lorry was being driven in a high speed and suddenly came to the right side and hit against the two wheeler and thereafter went further and hit against the compound wall. He has stated in his evidence that the accused who was present before the Court was driving the lorry. He has further deposed that the two-wheeler was on the left side of the road when the accident took place. 12 In the cross-examination, he has denied the suggestion

that since their vehicle was in a high speed, the same got skidded. He has further stated that he saw the accused when he ran away from the spot.

10. There is nothing elicited in the evidence of P.W.3 so as to deny the incident and involvement of the lorry in the accident. Though the defence tried to elicit that the accident occurred on account of the fault of the deceased himself who was riding the two-wheeler, the same has been denied by P.W.3. P.W.3 has specifically stated that the accused was the driver of the lorry in question. Thus P.W.3 has corroborated the version in the complaint. He was the pillion rider in the two-wheeler and he is also an injured witness which is not denied by the defence. As such, the evidence of P.W.3 assumes importance.

11. The prosecution has also relied on the evidence of P.W.2, who was an eye-witness to the incident. The evidence of P.W.2 goes to show that the lorry overtook his vehicle and went to the right side of the road and dashed against the two-wheeler and thereafter it went ahead and dashed against the 13 compound wall. Both the rider and the pillion rider sustained injuries. He has stated that the lorry was driven in a rash and negligent manner. He has also deposed that the accused, who was present before the Court was driving the said lorry. He has further deposed that the lorry also hit the pole and thereafter hit the compound wall.

12. The defence has elicited from P.W.2 that there was a curve near the spot. P.W.2 has stated that the lorry hit against the right side of the two-wheeler. There is nothing elicited in the cross-examination of P.W.2 so as to disbelieve his evidence with regard to the accident and the accused being the driver of the said lorry.

13. It is the contention of the learned counsel for the petitioner that according to P.W.2, the lorry overtook his vehicle and hit against the two-wheeler which was going ahead and therefore, the two-wheeler was also moving in the same direction and therefore it is not a head on collision. Though P.W.2 has stated that the lorry overtook his vehicle and hit against the two-wheeler, it has not been specifically elicited from P.W.2 by the defence in the cross-examination 14 that the two-wheeler was also moving in the same direction in which the lorry was moving and

therefore it was not a head on collision. It is the specific case of the prosecution that the lorry was going from Bengaluru towards Kanakapura and the deceased who was the rider of the two-wheeler was returning to his college after seeing the Pyramid Valley. The evidence of P.W.2 does not support the defence taken by the accused that both the two-wheeler and the lorry were moving in the same direction.

14. The sketch is marked as Ex.P8. A perusal of the same goes to show that near the place of the accident, there is a curve and the lorry was moving from Bengaluru towards Kanakapura. The two-wheeler is found parked facing towards Bengaluru. The evidence of the prosecution witnesses viz., P.Ws.2 and 3 that the lorry came towards right side of the road and hit against the two-wheeler and further hit against the wall is evident from the sketch at Ex.P8, wherein the spot of the accident as well as the position of the lorry has been shown. It can be clearly seen that the lorry came to the extreme right side of the road and after hitting the two- wheeler went further and hit against the compound wall. 15 15. Owner of the lorry is examined as P.W.4. Though he has stated that the accused was working as a driver in his lorry, however, in the cross-examination conducted by the public prosecutor, after treating him hostile, he has stated that he has two lorries which are used to transport sand and there are three drivers working under him and therefore, he is not aware as to which of those driver was driving the lorry, which met with the accident. In the chief-examination, P.W.4 has stated that the lorry bearing reg. No.KA-42/823 was registered in his name and the accused was the driver of the lorry. The said lorry was used for transporting sand and for that purpose it was given to the accused and he was driving the said lorry. Even though in the cross-examination conducted by the public prosecutor he pleaded his ignorance that he is not aware as to who was driving the lorry in question, the evidence of P.Ws.2 and 3 clearly establishes that the accused was driving the lorry at the time of accident.

16. In the statement recorded under Section 313 Cr.P.C., the accused made a statement that his vehicle did not cause the accident. Merely because he has made that 16 statement, it cannot be said that the defence taken by the accused that he was not the driver of the lorry in question and the said lorry was not



involved in the accident has been substantiated. The accused has utterly failed to substantiate his defence. On the other hand the prosecution has established that the accused was the driver of the lorry bearing reg. No.KA-42/823 and the accident occurred on account of his rash and negligent driving.

17. The learned counsel for the petitioner by pointing out to the Motor Vehicle Inspectors Report marked at Ex.P5 contended that the two-wheeler was not damaged on the front side and therefore, it was not a head on collision as projected by the prosecution. P.W.6 is the Motor Vehicles Inspector. He has deposed that the accident is not on account of any mechanical defect. He has noticed the damage caused to both the vehicles.

18. The learned counsel for the petitioner would place reliance on a decision of this Court passed in CrI.P. No.1446/2010 disposed on 27.05.2019 and contended that in a similar situation, this Court has held that the prosecution 17 has not established that it is a case of head on collision by looking to the damages caused to the vehicle.

19. The decision relied on by the learned counsel for the petitioner is not applicable to the facts scenario of the present case. In the said case, it was the contention of the prosecution that the vehicle which caused the accident overtook another vehicle and dashed against the motorcycle, which was coming from the opposite direction. However, in the sketch, both the vehicles were shown facing towards one direction and it was not clarified by the Investigating Officer as to under what circumstances the said vehicles were shown facing towards the same direction. In that context, this Court has come to the conclusion that, since the damages were caused only to the rear side of the two-wheeler in which the deceased was moving and there was no damages to the front side of the motorcycle, the prosecution has failed to establish that it was a head on collision. However, in the present case, P.W.3 who was the pillion rider along with the deceased has clearly deposed that the lorry in question came from the opposite direction and came towards the right side and dashed against the two-wheeler. His version is further 18 corroborated by the sketch marked at Ex.P8. The M.V. Report at Ex.P5 goes to show that there was damage to the handle and headlight of the

two-wheeler and also the front right side shape damaged apart from other damages. It is evident from the material on record that the lorry in question while negotiating the curve has come to the extreme right side of the road and dashed against the right portion of the two-wheeler which was coming in the opposite direction. Hence, it cannot be said that the lorry and the two-wheeler were moving in the same direction.

20. Though the defence of the accused is that he was not the driver of the lorry in question, however, in spite of taking such a defence, he has failed to adduce any evidence on his behalf. On the other hand, the prosecution has established that the accused was the driver of the lorry and the accident was on account of the rash and negligent driving by the driver of the lorry.

21. The learned Spl.P.P. relying on the decision of the Honble Apex Court in the case of SUBHASH CHAND VS. STATE OF PUNJAB reported in 2019 SCC ONLINE SC26619 would contend that both the trial Court as well as the lower appellate Court after detailed scrutiny of the evidence on record have already come to the conclusion that the accused was the driver of the lorry in question. He further contended that the accused himself surrendered before the Investigating Officer-P.W.9 and therefore, he submits that when the question of fact having already been decided by both the Courts below, now the petitioner cannot contend that he was not the driver of the lorry in question.

22. The Honble Apex Court in the aforesaid decision at Para 6 has observed as under: The main plank of the case of the appellant is that his involvement in the accident in question is not proved, inasmuch as his identity as the driver of the offending vehicle has not been established. The contention so urged essentially relates to a question of fact and in the present case, the Trial Court as also Appellate Court, after detailed scrutiny of the evidence on record, came to the conclusion that the appellant had been the driver of the vehicle in question who fled from the scene with his vehicle. Even in the revision petition, the High Court has taken pains to 20 analyse the evidence and, after due consideration of the material on record, including the testimony of PW-2 Nirpal Singh and PW-3 Rajinder Singh, has affirmed the finding that the appellant was indeed the driver of

the offending vehicle. The Courts have also taken note of a significant circumstance that the appellant, who was driver on the said truck of ITBP, was surrendered by his own commandant.

23. The above decision is squarely applicable to the case on hand. In view of the discussion made supra, point Nos.1 and 2 are held in favour of the prosecution and it is held that the findings and the conclusions as regards the identity of the petitioner as the person who was driving the offending vehicle stands clearly established and it is established that the accused caused the accident by driving the lorry in a rash and negligent manner.

24. The learned counsel appearing for the petitioner by placing reliance on the decision of the Honble Apex Court in the case of STATE OF PUNJAB VS. BALWINDER SINGH AND OTHERS reported in (2012)2 Supreme Court Cases 182 would seek for reduction of the sentence imposed against the accused/petitioner. He submits that the trial 21 Court has sentenced the accused to undergo simple imprisonment for two years for the offence punishable under Section 304-A of IPC and Section 338 of IPC. It is his submission that the accident has occurred in the year 2014 and in view of lapse of time, the sentence imposed against the accused/petitioner to undergo rigorous imprisonment for two years may be reduced.

25. In the aforesaid decision referred by the learned counsel for the petitioner, the Honble Apex Court reduced the sentence of imprisonment imposed against the accused for the offence punishable under Section 304-A of IPC from two years to rigorous imprisonment for six months with fine of Rs.5,000/-.

26. The learned counsel for the petitioner also relies on the unreported decision of this Court in Crl.R.P. No.100025/2014 dated 27.06.2014, wherein this Court while partly allowing the revision petition sentenced the accused to undergo simple imprisonment for two months instead of six months. 22 27. In the case of BALWINDER SINGH AND OTHERS [supra]., the Honble High Court had reduced the sentence of imprisonment for the period already undergone i.e., 15 days and enhanced the fine amount to Rs.25,000/- each. The Honble Apex Court observed that merely because the fine amount had been enhanced to Rs.25,000/- is not a

sufficient ground to reduce the sentence. In the said case, the High Court had considered that the accused had suffered a protracted trial for about 17 years and he had already undergone custody for 15 days and therefore, reduced the quantum of sentence to the period already undergone and enhanced the fine amount to Rs.25,000/- each.

28. The Honble Apex Court has also observed in the aforesaid decision at paras 13 and 14 as under:

13. It is settled law that sentencing must have a policy of correction. If anyone has to become a good driver, must have a better training in traffic laws and moral responsibility with special reference to the potential injury to human life and limb. Considering the increased number of road accidents, this Court, on several occasions, has reminded the criminal courts dealing with the offences relating to 23 motor accidents that they cannot treat the nature of the offence under Section 304-A IPC as attracting the benevolent provisions of Section 4 of the Probation of Offenders Act, 1958. We fully endorse the view expressed by this court in Dalbir Singh.

14. While considering the quantum of sentence to be imposed for the offence of causing death or injury by rash and negligent driving of automobiles, one of the prime considerations should be deterrence. The persons driving motor vehicles cannot and should not take a chance thinking that even if he is convicted he would be dealt with leniently by the court.

29. The Honble Apex Court in the case of THANGASAMY VS. STATE OF TAMIL NADU, reported in 2019 SCC OnLine SC239 at para 15 has held as under:

15. It shall also be apposite to recapitulate the observations of this Court in the case of Dalbir Singh (supra), guarding against leniency in relation to the drivers found guilty of rash driving, in the following passages:

"1. When automobiles have become death traps any leniency shown to drivers who are found 24 guilty of rash driving would be at the risk of further escalation of road accidents. All those who are manning the steering of automobiles, particularly

professional drivers, must be kept under constant reminders of their duty to adopt utmost care and also of the consequences befalling them in cases of dereliction. One of the most effective ways of keeping such drivers under mental vigil is to maintain a deterrent element in sentencing sphere. Any latitude shown to them in that sphere would tempt them to make driving frivolous and frolic.

30. The learned Spl. P.P. appearing for the respondent has placed reliance on the decision of the Honble Apex Court in the case of STATE OF MADHYA PRADESH VS. SURENDARA SINGH, reported in (2015)<sup>1</sup> Supreme Court Cases 222 wherein the Honble Apex Court at paras 12 and 13 has held as under:

12. A three-Judge Bench of this Court in Ahmed Hussein Vali Mohammed Saiyed v. State of Gujarat observed as follows:

99. . The object of awarding appropriate sentence should be to protect the society and to deter the criminal from achieving the avowed 25 object to (sic break the) law by imposing appropriate sentence. It is expected that the courts would operate the sentencing system so as to impose such sentence which reflects the conscience of the society and the sentencing process has to be stern where it should be. Any liberal attitude by imposing meager sentences or taking too sympathetic view merely on account of lapse of time in respect of such offences will be resultwise counterproductive in the long run and against the interest of society which needs to be cared for and strengthened by string of deterrence inbuilt in the sentencing system.

100. Justice demands that courts should impose punishment befitting the crime so that the courts reflect public abhorrence of the crime. The court must not only keep in view the rights of the victim of the crime but the society at large while considering the imposition of appropriate punishment. The court will be failing in its duty if appropriate punishment is not awarded for a crime which has been committed not only against the individual victim but also 26 against the society to which both the criminal and the victim belong.

13. We again reiterate in this case that undue sympathy to impose inadequate sentence would do more harm to the justice system to undermine the public

confidence in the efficacy of law. It is the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed. The sentencing courts are expected to consider all relevant facts and circumstances bearing on the question of sentence and proceed to impose a sentence commensurate with the gravity of the offence. The court must not only keep in view the rights of the victim of the crime but also the society at large while considering the imposition of appropriate punishment. Meagre sentence imposed solely on account of lapse of time without considering the degree of the offence will be counterproductive in the long run and against the interest of the society.

31. In the case on hand the accused has tried to contend that he was not the driver of the lorry in question and tried to take such a defence. Even in the 313 Cr. P.C. 27 statement, the accused made an attempt by taking a false defence that his vehicle has not caused the accident. However, the same is proved to be false. The accused was aged about 29 years at the time of accident and the accident occurred in the year 2014. Considering the overall facts and circumstances of the case and in the light of the decisions referred to supra by both the learned counsel, I deem it appropriate to modify the sentence, while confirming the judgment of conviction passed against the accused. Accordingly, I pass the following: ORDER The revision petition is allowed in part. The Judgment of conviction passed against the accused/petitioner by the II Addl. Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru, dated 29.02.2016 in C.C. No.3922/2014, confirmed by the VIII Addl. District and Sessions Judge, Bengaluru Rural District, Bengaluru, dated 19.06.2017 in CrI.A. No.15/2016 for the offences punishable under Sections 279, 337, 338 and 304-A of IPC are hereby confirmed. 28 The sentence imposed against the accused/petitioner for the offence punishable under Section 304-A and Section 338 of IPC is modified and he is sentenced to undergo simple imprisonment for a period of one year each for the said offences. The remaining part of the sentence imposed by the trial court is hereby confirmed. All the sentences shall run concurrently. Sd/- JUDGE Ksm\*