



2026 INSC 504

NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. OF 2026

[Arising out of SLP (Criminal) No. 4563 of 2022]

MAHADEVANNA D.M.

.....APPELLANT

VERSUS

STATE OF KARNATAKA & ANR.

.....RESPONDENTS

J U D G M E N T

J.K. MAHESHWARI, J.

1. Leave granted.
2. The present appeal is directed against the impugned judgment and order dated 03.03.2022 of the High Court of Karnataka at Bengaluru in criminal revision, partly allowing the same by setting aside the conviction of Appellant for the charge of Section 279¹ of Indian Penal Code, 1860 (in short ‘**IPC**’), while sustaining conviction for the charge of Section 304-A² of IPC read

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NIDHI AHUJA
Date: 2024.05.18
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Reason:

¹ Rash driving or riding on a public way.

² Causing death by negligence.

with Section 134³(b) and Section 187⁴ of Motor Vehicles Act, 1988 (in short '**MVA**') *vide* judgment dated 31.10.2012 of the Trial Court and confirmed by First Appellate Court on 01.02.2013.

3. The facts in nutshell are that, Appellant is employed as driver with Bengaluru Metropolitan Transport Corporation (BMTTC). On the date of accident, i.e., 27.12.2011, at around 7:15 p.m., while he was driving bus bearing registration no. KA-01-F-3716, it met with an accident and dashed one Rangamma who was crossing the road on feet. Due to impact, she sustained fatal injuries and later succumbed at the hospital. The Appellant did not inform the police about the incident. On lodging of FIR against him, investigation was carried out for the offence described and the charge sheet was filed. The Trial Court found that the charges of Sections 279, 304-A of IPC and Section 134-B read with Section 187 of MVA are proved. Aggrieved, the Appellant preferred first appeal before the Additional Sessions Judge, which also came to be dismissed on 01.02.2013 confirming the judgment of the Trial Court.

4. Dissatisfied, the Appellant approached the High Court in criminal revision, which was partly allowed *vide* impugned order

³ Duty of driver in case of accident and injury to a person.

⁴ Punishment for offences relating to accident.

and by setting aside the conviction for the charge of Section 279, though maintaining the conviction for charge under Section 304-A of IPC and reaffirmed the sentence as directed by the Trial Court accordingly. Being aggrieved, the present appeal has been filed.

5. In the present proceedings, while issuing notice on 04.10.2024, deposit of ₹5,00,000/- within eight weeks was directed by this Court and the sentence of appellant was suspended subject to final outcome of this appeal. The family members of the deceased were also directed to be joined as parties. In compliance, the amount as directed was deposited by the Appellant with the registry and is lying in a fixed deposit as revealed from the office report dated 21.04.2026.

6. When the matter came up for hearing on 23.04.2026, the counsels for the parties were heard at length. It was set forth on behalf of the Appellant who is a driver of BMTC that, his case may be considered under Section 3 of Probation of Offenders Act, 1958 (in short '**1958 Act**'). The maximum punishment for offence under Section 304-A of IPC is extendable to two years and he is eligible for such probation. On a query put to the learned counsel appearing for the respondent, on instructions, submits that, he has no objection to the prayer made by the Appellant provided the

amount deposited by the Appellant is released in favour of the family members of deceased by way of compensation.

7. In the light of the above submissions, we proceed to consider the case of the Appellant under Section 3 of the 1958 Act. Section 3 *inter-alia* deals with the power of the Court to release certain offenders after admonition if they are found guilty of having committed any offence with imprisonment of not more than two years. The Appellant in the instant case has been convicted for offence under Section 304-A of IPC read with Section 134(b) and Section 187 of MVA. Neither of the charges has a prescribed punishment of more than 2 years, and hence, Appellant satisfies the pre-requisites of Section 3 of 1958 Act.

8. Therefore, in exercise of powers under Section 3 of 1958 Act, while confirming the conviction of the Appellant, we direct that instead of sentencing, the Appellant be released after due admonition. Moreover, since the Appellant has been extended the benefit under Sections 3 of the 1958 Act, he shall not incur any disqualification affecting his service career, if any, arising out of the conviction, in terms of Section 12 of the 1958 Act.

9. In view of the above, the sentence of the Appellant for charge under Section 304-A of IPC for a period of six months along with

fine of Rs. 3000/- and fine of Rs. 500/- for charge under Section 134(b) read with Section 187 of MVA, are commuted to fine of Rs. 5,00,000/-, which is made payable towards compensation to the family of deceased. Since, the Appellant is in service of BMTC, therefore, the fine imposed be not treated as disqualification for employment, in view of benefit granted under Section 3 and 12 of 1958 Act to the Appellant.

10. The Registry is directed to release the amount deposited by the Appellant to the deceased's family members along with accrued interest upon the submission of their bank account details. The disbursement shall be made within four weeks of receiving the bank details.

11. Accordingly, the appeal stands disposed-of in above terms. Pending application(s), if any, shall stand disposed-of.

.....**J.**
(J.K. MAHESHWARI)

.....**J.**
(ATUL S. CHANDURKAR)

NEW DELHI,
MAY 18th 2026.