

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION****Criminal Appeal No. _____ of 2025
(@ Special Leave Petition (Crl) No.3294 of 2025)****Ashraf****...Appellant****Versus****The State of Karnataka****...Respondent(s)****ORDER**

Leave granted.

2. The appellant was convicted by the 3rd Additional Civil Judge & Judicial Magistrate, First Class, Channarayapatna, District Hassan under Sections 279 and 304A of the Indian Penal Code, 1860 (IPC) and imposed a sentence of simple imprisonment for two months and eight months respectively and a fine of Rs.1,000/- & Rs.5,000/- with default sentence of 15 days and 2 months respectively. The 4th Additional District and Sessions Judge, Hassan District confirmed the same. In the revision, the High Court of Karnataka enhanced the fine under Section 304A of the IPC from Rs.5,000/- (Rupees Five Thousand) to Rs. 30,000/- (Rupees Thirty Thousand) and reduced the simple imprisonment from 8 months to 4 months and in default

simple imprisonment for 2 months. The sentence under Section 279 was modified to only Rs. 1000/- fine and in default to undergo 15 days imprisonment. Hence, as of now the appellant has been sentenced with four months of S.I. and ordered to pay a total fine of Rs.31,000/- with default sentence as afore stated.

3. The learned counsel for the appellant argued that the High Court, despite having found contributory negligence, has convicted the appellant under Section 304A of the IPC without due cause. Specific reference is made to paragraph 29 of the impugned judgment.

4. PW-1 who was the father of the deceased, along with the deceased was engaged in the changing of the punctured tyre of the vehicle in which they were travelling. PW-1 had also stated in cross-examination that while changing the punctured right hind tyre of the vehicle, the lorry coming in the same direction, driven by the appellant, dashed on the car, killing the son of PW-1 instantaneously. It was also deposed that while parking the Tata Sumo, indicators were put on and there were also stones and tree branches placed on the back side of the vehicle to caution the vehicles coming in that direction. The photograph produced before the trial court has been

produced as Annexure P-4 from which it was noticed by the High Court that the parking lights were put on and there was a clear indication of a parked vehicle. But, there were no stones or branches of a tree on the back side of the vehicle.

5. Though we cannot find any contributory negligence, we are of the opinion, in the total facts and circumstances of the case, the punishment can be converted to one of imprisonment till the rising of the Court with a total fine of Rs.1,31,000/- (Rupees One Lakh Thirty One Thousand).

6. On modification of such sentence, we make the following directions for the appellant to be complied with.

- I. The appellant shall appear before the Court of the Junior Magistrate, First Class, Channarayapatna on any day after 15th January 2026 and before 30th January 2026.
 - II. The appellant shall on appearance deposit the fine amount of Rs.1,31,000/- (Rupees One Lakh Thirty One Thousand), upon which the trial court shall ensure that the sentence of imprisonment till rising of the court is adhered to.
7. There shall be further directions to the learned Magistrate as hereunder:

- i. On such fine amount being deposited and the sentence carried out, the appellant/accused shall be released, if not wanted in any other case and his bail bonds in this case shall stand cancelled.
 - ii. The learned Magistrate shall then, through the Secretary of the District Legal Services Authority trace out PW-1 or any legal heir of the deceased and the fine amounts shall be handed over to the father or the legal heir of the deceased. The Secretary of the District Legal Services Authority shall be entitled to take assistance of the Station House Officer having jurisdiction of Hosakere Village, Mulabagilu Taluq, Kolar, Karnataka or any other place where the family of the deceased is residing, to trace them out and ensure that the directions herein are complied with.
8. We make it clear that if the appellant does not comply with the above directions and deposit the fine amounts, the sentence as imposed by the High Court shall be restored and the appellant shall be taken into custody. It is further made clear that the compensation as granted by this Court in the criminal case shall not be deducted from the total compensation, if any granted by the

Motor Accident Claims Tribunal or by any other Forum by reason of loss of dependency caused by the death of the son of PW-1.

9. The appeal is partly allowed, affirming the conviction, but modifying the sentence as above with the above directions to ensure compliance and on default, the earlier sentence to be revived.

10. The Judicial Magistrate, First Class, Channarayapatna shall file a report of compliance or default within four months for which purpose alone, the above case shall be posted before this Court after four months, on 25.03.2026.

11. Pending applications, if any, shall also stand disposed of.

..... J.
(AHSANUDDIN AMANULLAH)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
November 26, 2025.**

ITEM NO.12

COURT NO.12

SECTION II-E

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).3294/2025

[Arising out of impugned final judgment and order dated 28-11-2024 in CRRP No.355/2020 passed by the High Court of Karnataka at Bengaluru]

ASHRAF

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA

Respondent(s)

(IA No. 44180/2025 - EXEMPTION FROM FILING O.T.)

Date : 26-11-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) Mr. Harisha S.R., AOR
Mrs. S. Anuradha Bhat, Adv.

For Respondent(s) Ms. Tarannum Cheema, AAG
Ms. Roohe Hina Dua, AOR
Mr. Riccky Chaudhary, Adv.

O R D E R

Leave granted.

2. The appeal is partly allowed in terms of the signed non-reportable order.

3. The Judicial Magistrate, First Class, Channarayapatna shall file a report of compliance or default within four months for which purpose alone, the above case shall be posted before this Court

after four months, on 25.03.2026.

4. Pending application(s), if any, shall stand disposed of.

(SAPNA BISHT)

COURT MASTER (SH)

(ANJALI PANWAR)

ASSISTANT REGISTRAR

(Signed non-reportable order is placed on the file)