



REPORTABLE

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

CRIMINAL APPEAL NO. OF 2025
(Arising from SLP (CrI.) No.3455/2023)

SANJAY COLARO

...APPELLANT(S)

VERSUS

STATE OF KARNATAKA

...RESPONDENT(S)

ORDER

1. Leave granted.
2. The instant appeal has been preferred by the accused-appellant against the final judgment dated 21.11.2022 passed by the High Court of Karnataka in Criminal Revision Petition No. 323 of 2013 wherein the High Court has dismissed the revision petition preferred by the appellant herein and upheld the judgment of conviction and sentence dated 21.11.2011 passed by the Principal Civil Judge & JMFC, Ramanagara¹ in CC No. 431 of 2008 under Section 279 and 304A of Indian Penal Code, 1860².

¹ Trial Court

² IPC

3. Briefly put, the case of the prosecution is that on 29.03.2008, at about 11 a.m. near a place called Ramadevara Pada on Bengaluru-Mysuru Road, the accused-appellant has been alleged to be driving his motorcar bearing registration no. KA-03-MC-2926 in a rash and negligent manner and dashed into one Sri Chaluvappa, a pedestrian. Due to the said accident, the said Chaluvappa sustained multiple injuries on his body and succumbed to the same before he was taken to the hospital. The accused was charged of offences punishable under Sections 279 and 304A of the IPC.
4. The appellant was convicted under the above-mentioned provisions *vide* judgment dated 21.11.2011 and was sentenced to undergo simple imprisonment for a period of six months and a fine of Rs. 5,000/-, failing which he was directed to undergo simple imprisonment for one month. The appellant preferred an appeal before the Principal District and Sessions Judge, Ramanagara District which was dismissed *vide* order dated 25.02.2013 and the judgment passed by the Trial Court was affirmed.
5. Aggrieved by the order passed by the first appellate court, the appellant filed a Criminal Revision Petition before the High

Court. The High Court, *vide* the impugned order, dismissed the said revision petition and affirmed the conviction and sentence awarded to the appellant, while also granting 45 days to the appellant to surrender before the Trial Court.

6. Aggrieved by the impugned order, the appellant is before us.
7. We have heard the learned counsel for the parties and perused the material on record.
8. Dr. Manish Singhvi, learned senior counsel appearing for the appellant, has submitted that the said unfortunate incident is admittedly a case of road accident without any malicious intent on the part of the appellant and that no constructive purpose shall be served by making the appellant go through the incarceration period. It was submitted that, instead, the appellant should be extended the benefit of either the Probation of Offenders Act, 1958 or Section 360 of the Code of Criminal Procedure, 1973³ and the appellant be made to pay reasonable compensation to the legal heirs of the deceased which would actually benefit the family members of the deceased person.

³ Cr.P.C.

9. Being inclined towards accepting the suggestion made by the learned senior counsel for the appellant, this Court *vide* order dated 03.02.2025, had directed Mr. V.N. Raghupathy, learned counsel appearing for the respondent-State of Karnataka to obtain instructions with respect to the details of the legal heirs of the deceased and also about their current status.
10. As such, pursuant to the order dated 03.02.2025, the State of Karnataka has filed an affidavit dated 07.03.2025 providing the details of the legal heirs of the deceased. There are ten surviving legal heirs of the deceased as described in Annexure-1 to the said affidavit and their details are reproduced as below:

S. No.	FAMILY MEMBER	AGE	RELATION	STATUS
1	Sri Chaluvaiiah @ Chaluvappa	-	Deceased	-
2	Smt. Chikkamma	Died	Wife	-
3	Sri Ramakrishnaiah 9611664601	64 yrs.	Son	Agriculture, Basavanapura, Ramanagara Taluk & district
4	Smt. Jayamma	62 yrs.	Daughter	Widow, Labour work, Bangalore City
5	Sri Devaraju	60 yrs.	Son	Labour Work, Basavanapura, Ramanagara Taluk & district

6	Smt. Gowramma	58 yrs.	Daughter	Widow, Labour Work, Sunnagatta, Village, Channapatna Taluk, Ramanagara district
7	Sri. Narayanappa 9845351940	56 yrs.	Son	Agriculture, Shivanagara, Bangalore
8	Smt. Sushilamma	54 yrs.	Daughter	Labour Work, Vaderahally, Ramanagara Taluk & district
9	Smt. Kamalamma 9980006480	52 yrs.	Daughter	Widow, Labour Work, Basavanapura, Ramanagara Taluk & district
10	Smt. Ammayamma	50 yrs.	Daughter	Widow, Labour Work, Vidyanagara, Ramanagara Town
11	Sri Nagesh 9986401222	48 yrs.	Son	Provision Store, Kengeri, Bangalore city
12	Smt. Yashodamma	46 yrs.	Daughter	Widow, Labour Work, Danayakanapura, Ramanagara Taluk & district

11. Considering the facts and circumstances of the case, we find no reason to interfere with the concurrent conviction against the appellant. However, with regard to the sentence imposed, we deem it appropriate to extend to the appellant the benefit under the Probation of Offenders Act and set aside the sentence by which he has been directed to undergo simple imprisonment for six months. Further, we award a total

compensation of Rs. 10,00,000/- (Rupees ten lakhs only) in favour of the surviving legal heirs of the deceased in lieu of the benefit extended to the appellant and the appellant shall duly conform with the payment of such compensation.

12. Accordingly, the appellant is directed to deposit a sum of Rs. 10,00,000/- (Rupees ten lakhs only) with the Trial Court within eight weeks from today. Out of the said amount, Rs. 1,00,000/- (Rupees one lakh) is to be paid to each of the ten legal heirs of the deceased, as described in table referred to above.

13. Further, since it is apparent that the legal heirs of the deceased are mostly agricultural workers or daily-wage labourers belonging to underprivileged sections of the society, we believe that it will be beneficial if some assistance is extended to the legal heirs by the District Legal Services Authority in receiving & disbursing the said amount. As such, we direct the Member Secretary of the District Legal Service Authority at Ramanagara⁴, after due verification of the legal heirs, to assist them in getting their bank accounts opened

⁴ DLSA

and ensure that the due amount is remitted to their respective bank accounts expeditiously.

14. Lastly, the Member Secretary, DLSA, Ramanagra is directed to file a status report on the above-directed aspects before this Court within three months of the receipt of this order.

15. Accordingly, the instant appeal is disposed of in terms of the above directions.

.....,J.
(VIKRAM NATH)

.....,J.
(K.V. VISWANATHAN)

**NEW DELHI;
APRIL 21, 2025.**