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**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

\*\*\*\*

**CRR-3458-2018**

**DECIDED ON: 27<sup>th</sup> SEPTEMBER, 2022**

**RAKESH MASIH**

**PETITIONER**

**VERSUS**

**STATE OF PUNJAB**

**RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. S.K. Chaudhary, Advocate  
for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

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**SANDEEP MOUDGIL, J (ORAL)**

The instant revision petition has been filed against the judgment dated 28.08.2018 passed by learned Additional Sessions Judge, Gurdaspur, whereby the judgment of conviction dated 14.03.2017 passed by the learned Additional Chief Judicial Magistrate, Gurdaspur has been affirmed for the commission of offence under Section 304-A IPC. The petitioner was sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹2000/- and in default of payment of fine, to further undergo RI for three months, vide order of sentence of even date.

The present case was registered at the instance of Buta Singh on the allegations that his elder daughter Mandeep Kaur and his younger daughter Jasdeep Kaur, alongwith his maternal grandsons namely Akashdeep Singh and Pritpal Singh, were coming from Gurdaspur to their

village Sohal on scooty make Pleasure bearing registration No. PB-06-P-4621 and Jasinder Singh was following them on his motorcycle bearing registration No. PB-06-8780. At about 7.15 PM when they reached near village Babri, one truck bearing registration No. PB-05-S-8901 coming from the wrong side struck into Scooty, as a result thereof, occupants of the Scooty fell down and all the occupants received multiple injuries. Mandeep Kaur, Jasdeep Kaur and Pritpal Singh died at the spot and Akashdeep Singh was referred to Civil Hospital, Gurdaspur.

At the very outset, learned counsel for the petitioner confines his prayer to the quantum of sentence. He submits that FIR was registered on 15.06.2012 and as such the petitioner has faced the agony of trial for a considerable period. Assertion is that the petitioner has already undergone the sentence of 2 years including remissions, out of which the actual custody period is 01 year 04 months and 10 days, therefore, prays for leniency by reducing the sentence to the period already undergone by him.

Learned counsel for the State opposes the prayer made by learned counsel for the petitioner. He submits that three human lives were lost due to the negligence of the petitioner. His further submission is that learned trial Court appreciated the evidence and after analysing the facts on record, convicted the petitioner due to which no interference is called for.

Custody certificate by the State is filed today, which is taken on record. According to it, the petitioner has already undergone the actual sentence of one year 4 months and 10 days.

Heard learned counsel for the parties and perused the record.

The contention of learned counsel for the petitioner regarding quantum of sentence deserves acceptance. As per the custody certificate

the petitioner has undergone actual sentence of 1 year 4 months and 10 days.

It would be appropriate to note at this stage that FIR was registered on 15.06.2012, the petitioner has faced agony of trial for more than a decade.

Considering the fact that the petitioner has faced the agony of protracted trial for a considerable long period, to meet the ends of justice, the criminal revision petition is partly allowed.

There is no challenge to the the impugned judgment of conviction, order of sentence as well as the order of the appellate Court, as prayed by learned counsel for the petitioner at the very outset, the conviction of the petitioner is, therefore, upheld, however, his sentence is reduced to the period already undergone by him. The petitioner need not to suffer remaining sentence.

**SANDEEP MOUDGIL**  
**JUDGE**

**27<sup>th</sup> SEPTEMBER, 2022.**  
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|---------------------------------|----------|
| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable :         | Yes / No |