

**IN THE COURT OF APPEAL OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF SRI LANKA**

CA 107/2010

HC Panadura 1320/1999

Warsha Hannadige Sisira Fernando
No: 02,
Niwadawa,
Arukgodā,
Pananura.

Appellant

Vs.

Hon. Attorney General
Attorney General's Department
Colombo 12.

Respondent

C.A. Appeal No. 107/2010 - H.C. Panadura No. 1320/99

Before : **RANJITH SILVA, J. &
H.N.J. PERERA, J.**

Counsel : Indika Mallawaarachchi for the Accused-
Appellant.

Sarath Jayamanne D.S.G for the A.G.

Argued &
Decided on : 11.07.2012

Ranjith Silva, J,

Heard Counsel for and against this appeal
respectively.

At this stage counsel for the appellant states that she is willing to abandon the appeal with regard to the conviction and moves Court to order the sentences to run concurrently. She further moves that the sentence be backdated. In view of the fact that they are not contesting the conviction, the Learned Deputy Solicitor General leaves the matter of sentencing in the hands of the court. But considering how the incident may have traumatised the complaint victim as well as her boy friend in whose presence she was abducted and thereafter raped and also

the lenient sentences imposed by the learned High Court Judge at a second trial held, we do not wish to reduce or order the sentences to run concurrently. The sentences shall run consecutively. But we appreciate the fact that the accused-appellant had been on remand since the date of conviction, we backdate the sentence to take effect from 04th of March 2010. Subject to the variation in the date of implementation of the sentences, we dismiss the appeal. Conviction and Sentences affirmed.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL.

H.N.J. Perera, J.

I agree.

JUDGE OF THE COURT OF APPEAL

/mds