

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

CA 33/2011

HC Anuradapura No. 147/2005

Karunapalage Jayasooriya
Mahakubuk wewa,
Mahapothana.

Appellant

Vs.

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

Respondent

CA 33/2011

ANURADHAPURA HIGH COURT
CASE NO. 147/05

Before : W.L.R. Silva J.
H.N.J. Perera J.

Counsel : K.G. Ginasena with Thisa Karunanayake for the
Accused-Appellant.
Dilan Ratnayake SSC for AG.

Decided on : 26.06.2012.

W.L.R. Silva J.

Accused-Appellant is present in court brought in custody.

Heard counsel for and against this appeal respectively.

Accused was convicted for murdering a 24 year old lady, found guilty of culpable homicide not amounting to murder on the basis of grave and sudden provocation and was sentenced to a term of 10 years rigorous imprisonment interalia. This appeal is confined to contesting only the sentence and not the conviction. For that reason the learned Senior State Counsel leaves the matter of sentencing in the hands of court. Having perused the record, having listened to the submissions of both parties and taking all the circumstances into consideration, we are of the view that the sentence is quite reasonable. Yet as the accused had been on remand all this time and the fact that the accused is not contesting the conviction, we have decided to grant some concession with regard to the

sentence of imprisonment. Accordingly, we set aside the term of 10 years rigorous imprisonment and substitute the term of 9 years rigorous imprisonment, the rest of the sentences shall remain as they are unaltered and we make order that the sentence of imprisonment be implemented from the date of conviction namely 07.06.2011. Subject to the variations in the sentence and the date of implementation of the sentence, we dismiss the appeal.

JUDGE OF THE COURT OF APPEAL.

H.N.J. Perera J.
I agree,

JUDGE OF THE COURT OF APPEAL.

Mm/-.