

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

CA No: 65/2011

HC Rathnapura No: 118/2008

Umagiliya Hewayalage Ranjith
T.T. Handiya,
China Harbour,
Trincomalee

Appellant

Vs.

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

Complainant Respondents

C.A. 65/2011

H.C. Ratnapura Case No: 118/2008

BEFORE : Sisira de Abrew, J. &
Sunil Rajapakshe, J.

COUNSEL : Suranga Bandara for the Accused-Appellant.

**ARGUED &
DECIDED ON** : 03.12.2012.

Sisira de Abrew, J.

Accused-Appellant in this case was, on his own plea, convicted on count No. 1, 2 and 3. On count No. 1 which was under section 141 of the Penal Code the learned trial judge has sentenced the accused-appellant to a term of two years rigorous imprisonment. On the 2nd count which was

under section 146/444 of the Penal Code the learned trial judge has sentenced him to a term of seven years rigorous imprisonment and to pay a fine of Rs. 2500/- carrying a default sentence of one year rigorous imprisonment. On the 3rd count which was under section 146/383 of the Penal Code the accused-appellant was sentenced to a term of seven years rigorous imprisonment. Learned High Court judge directed that all three terms of imprisonment should run concurrently. Therefore the total period, apart from the default sentence that he has to undergo is seven years rigorous imprisonment. Learned Senior State Counsel submits that the appeal is out of time. Learned Counsel appearing for the accused-appellant admits that the appeal has been filed out of time. He however makes an application to exercise the revisionary jurisdiction of this Court and reduce the sentence. We decide to exercise our revisionary powers and consider the appeal. We have considered the submissions made by both Counsel at the trial. The accused-appellant has entered the house of the complainant in the night armed with a gun. He has robbed jewellery and cash worth 178550/-. At the time of the accused-appellant being sentenced by the learned High Court judge he was having three previous convictions. But the details of the previous convictions are not available in the brief. When we consider the gravity of the offences we are of the opinion that we should not interfere with the punishment imposed by the learned trial

judge. We therefore refuse to interfere with the sentence imposed by the learned trial judge.

We therefore dismiss the appeal. The sentence imposed by the learned trial judge should be implemented from the date of the judgment.

JUDGE OF THE COURT OF APPEAL

Sunil Rajapakshe, J.

I agree.

JUDGE OF THE COURT OF APPEAL

NR/-