

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

High Court Badulla Case No: 69/94

**Court of Appeal Case No: 147-148/2003**

Attorney General  
Attorney Department,  
Colombo.

**Prosecutor**

**- Vs-**

Puhuwella Gamage Karunadasa alias Punchikiriya

Pathiranage lalith alias Seawanagala Kiriya

Migasarea Sena

**Accused - Appellants**

C.A. (147-148-148A/2003 : H C Badulla Case No. 69/94

Before : Rohini Marasinghe, J. &

Deepali Wijesundera, J.

Counsel : Sisira Siriwardena for the 1<sup>st</sup> accused-appellant

Dr. Ranjit Fernando for the 2<sup>nd</sup> & 3<sup>rd</sup> accused-appellants

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

Argued &

Decided on : 03.12.2012

Rohini Marasinghe, J.

The appellants had been convicted for the charge of murder and sentenced to death. We have heard submissions of the counsel for the appellant. We have also heard submissions of the counsel for the State. We are of the view that the evidence led at the trial was not sufficient to convict the appellant for the charge of murder. However, there was sufficient evidence for the offence of culpable homicide not amounting to murder. The Counsel for the State points out that there was sufficient evidence for the offence of culpable homicide not amounting to murder based upon a sudden fight. We agree with the submissions of both Counsel. Therefore, we convict the appellants for culpable homicide not amounting to murder

under Section 297 of the Penal Code. And, the following sentences are imposed as punishment.

1<sup>st</sup> & 3<sup>rd</sup> accused are sentenced to a term of 12 years rigorous imprisonment. This term of imprisonment is to take effect from the date of imposition which is 03.12.2003.

2<sup>nd</sup> accused is sentenced to a higher term of imprisonment as he had caused the fatal injuries. Therefore, the 2<sup>nd</sup> accused appellant is sentenced to 15 years imprisonment. This sentence is to take effect from 03.12.2003.

We further impose a fine of Rs. 10,000/- and in default 6 months imprisonment is imposed to run consequently to the prison term.

Appeal is partly allowed.

JUDGE OF THE COURT OF APPEAL

Deepali Wijesundera,J.

I agree

JUDGE OF THE COURT OF APPEAL

Cr/-