

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

**CA 56/2011**

HC Nuwara Eliya 91/2009

Muniyandi Kandasami  
No:06 Wadigamale  
Central North Kuburawatta  
Talawakale.

**Appellant**

**Vs.**

Hon.Attorney General  
Attorney General's Department  
Colombo 12

**Respondent**

C.A. 56/2011 : HC Nuwara Eliya Case No.  
91/2009

Before : Sisira de Abrew, J. &  
K.T. Chitrasiri, J.

Counsel : Ranjith Meegaswatte for the accused-appellant  
Ayesha Jinasena, DSG for the A.G.

Argued &

Decided on: 03.10.2012

Sisira de Abrew, J.

Hear both counsel in support of their respective cases.

This is an appeal to set aside the judgment of the learned High Court Judge dated 13.05.2011. The 1<sup>st</sup> accused-appellant in this case was convicted of the murder of a man named Velaudan Mailwaganam and was sentenced to death.

The facts of this case may be briefly summarized as follows: On the day of the incident around 7.30 p.m. the accused who was using bad language near a Kovil was advised by Marimuttu not to use bad language as the service of the Kovil was in progress. At this moment, the accused-appellant inflicted an injury on said Marimuttu. Thereafter, the deceased and his nephew, Maradakanapathi went to see Marimuttu at his house and on their return, the 2<sup>nd</sup> accused who was acquitted by the learned High Court Judge came and pushed the deceased, Mailwanagam. As a result of this incident, Mailwanagam (deceased) fell on the ground. At this stage, the accused-appellant came to the place and attacked the deceased with an axe. According to eye witness, Maradakanapathi, the accused-appellant dealt three blows on the deceased with the axe. Post Mortem Report and the Medical Evidence corroborate the eye witness's evidence. Learned counsel for the appellant submits that there are no grounds to urge in this case. When we consider the evidence of this case, we see no reason to interfere with the learned

High Court Judge's Judgment. We therefore, affirm the learned High Court Judge's Judgment and dismiss the appeal.

*Appeal dismissed.*

JUDGE OF THE COURT OF APPEAL

K.T. Chitrasiri,J.

I agree

JUDGE OF THE COURT OF APPEAL

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