

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

CA PHC 202/2003

PHC Colombo Case No. HCRA 248/2003

Officer in-charge
Police Station,
Kohuwala

Complainant

Vs.

Nalin Indika Rosairo
No: 40/05,
Perera Place,
Kaudana.

Plaintiff

And

Nalin Indika Rosairo
No: 40/05,
Perera Place,
Kaudana.
(Presently at Welikada Prison)

Plaintiff-Petitioner

Vs.

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

Officer in-charge
Police Station,
Kohuwala.

Respondents

And Now

Nalin Indika Rosairo
No: 40/05,
Perera Place,
Kaudana.
(Presently at Welikada Prison)

Plaintiff-Petitioner-Appellant

Vs.

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

Officer in-charge
Police Station,
Kohuwala.

Respondents- Respondents

CA. (PHC) No. 202/2003 - P.H.C.Colombo Case No. HCRA. 248/2003

Before: A.W.A. Salam, J. &
Deepali Wijesundera, J

Counsel: Appellant present in person .
Varunika Hettige SC for the Respondent.

**Argued &
Decided on:** 22.10.2012

Salam, J

Appellant present in person is produced in the custody of the Prison Authorities. He is unrepresented. The appellant having pleaded guilty to the charges of 369 and 440 has been sentenced to 02 years Rigorous Imprisonment on each count to run concurrently with effect from 04.06.2001. The appellant has not exercised the right of appeal but filed a Revision application in the High Court of Colombo under HCRA No. 248/2003. The said Revision application has been dismissed on 03.09.2003.

The learned High Court Judge has found the sentence imposed by the learned Magistrate is not inconsistent with the law, this Revision application has been filed to challenge propriety of the said order of the learned High Court Judge . The appellant has not pleaded any exceptional circumstances in the petition.

On a perusal of the Magistrate's Court proceedings, we find that the appellant has had nearly 29 previous convictions. The learned Magistrate has infact not acted under the Prevention of Crimes Ordinance to give the appellant enhance punishment. In the circumstances we see no merits in the Revision application and therefore proceed to dismiss the same.

Judge of the Court of Appeal

Deepali Wijesundera, J

I agree.

Judge of the Court of Appeal

Kpm/-