

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

**C.A. 212/2010**

High Court Colombo Case No. B 1581/05.

Biyagamage Jayanethi Fernando alias Jayantha  
No: 105,  
Thelagapatha,  
Wattala.

**Petitioner**

**Vs.**

The Hon. Attorney General,  
Attorney General's Department,  
Colombo 03.

**Respondent**

C.A. 212/2010 : High Court Colombo Case No. B 1581/05.

Before : Sisira de Abrew, J. &  
P.W.d.C. Jaysathilake, J.

Counsel : Anil Silva, P.C. with D. Samarakoon for the accused-appellant  
Thusith Mudalige, S.S.C. for the A.G.

Decided on : 07.03.2013.

Sisira de Abrew, J.

Mr. D. Samarakoon learned Counsel for the accused-appellant submits that the accused in this case is dead. He submits a photo copy of the Death Certificate.

Learned Senior State Counsel admits the fact that the accused is dead.

The Registrar of this Court is directed to bind the Death Certificate in the record.

In these circumstances, we make order abating the appeal.

*Appeal abated.*

JUDGE OF THE COURT OF APPEAL

P.W.D.C. Jayathilake, J.

I agree

JUDGE OF THE COURT OF APPEAL

Cr/-