

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

C.A. (PHC) No. 135/05

PHC. Colombo No. 437/2004

Gunapala Witharana
No: 09,
Thalapitiya Road,
Galle.

APPELLANT

Vs.

Maharaththalage Ariyadasa Fernando
Bank of Ceylon,
York Street,
Colombo 01.

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

RESPONDENTS

C.A.(PHC) No. 135/05

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PHC. Colombo No. 437/2004

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

Sunil Rajapakshe, J

Counsel: Amila Palliyage for the Accused- Appellant .

Ms. Nayomi Kahawita SC for the Respondent.

Argued &

Decided on: 04.06.2013

Salam, J

Counsel for the accused-appellant moves to have this appeal withdrawn. Counsel for the accused-appellant concedes that no appeal is available to this Court against the impugned judgment of the learned High Court Judge who had exercised appellate jurisdiction over a conviction entered by the learned Magistrate. As this appeal cannot be maintained in terms of the judgment in *Officer-in-Charge Amparai Vs Wickramasekera 2004(1) SLR 257*, this appeal stands dismissed.

Appeal dismissed.

Judge of the Court of Appeal

Sunil Rajapakshe, J

I agree.

Judge of the Court of Appeal

Kpm/-