

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

C.A. No. 103/2009

H.C.Trincomali No.HCT/158/06

Paramasivam Raja
Theligu Nagar,
Pudukudiruppu,
Kampalagamam.

Petitioner

-Vs-

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

Respondent

C.A.No.103/2009

H.C.Trincomali No.HCT/158/06

Before : Sisira de Abrew,J. and
P.W.D.C.Jayathilaka,J.

Counsel : Dr. Ranjith Fernando for the Accused
Appellant.
Yasantha Kodagoda DSG for the A.G.

Argued and
Decided on : 20.05.2013

Sisira de Abrew,J.

Heard both counsel in support of their respective cases.

The accused-appellant in this case was convicted for raping a girl named Guniraja Pushpalatha who was below 16 years of age. He was sentenced to a term of 10 years rigorous imprisonment, to pay a fine of Rs.10,000/- carrying a default sentence of 6 months rigorous imprisonment, to pay a sum of Rs. 10,0000/- as compensation to the victim carrying a default sentence of 2 years rigorous imprisonment.

Learned Counsel for the accused-appellant does not challenge the conviction and he makes an application to reduce the sentence. He submits that the accused is a young person and had not used force on victim. Learned Deputy Solicitor General submits that the victim has become a mother of a child at the age of 16. Learned Counsel for the accused appellant however submits that the compensation ordered by the learned trial judge is excessive. We have considered the submissions of both sides. We are mindful of the fact that the victim in this case has to bring up the child and she has become a mother at the age of 16 . There is no evidence led at the trial that the victim was employed. Thus the victim will have to bring this child up with whatever the money that she has. Therefore the compensation ordered by the learned trial judge would help her to maintain the child.

In these circumstances we do not think that the sentence imposed by the learned trial judge is excessive. We feel that the sentence imposed by the learned trial judge is reasonable. For the above reasons we do not interfere with the

sentence imposed by the learned trial Judge. Leaned Counsel for the accused-appellant makes an application to implement the sentence from the date of conviction " 24/03/2009 ". We direct the Prison Authorities to implement the sentence from the date of conviction if the accused has not been released on bail after conviction.

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

P.W.D.C. Jaythilaka,J.

I agree.

JUDGE OF THE COURT OF APPEAL

WC/-