

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST

REPUBLIC OF SRI LANKA

CA254/2010

Sumanadasa Withanachchi,

HC(Balapitiya)691

Accused-Appellant

Vs.

Hon. Attorney General,

Plaintiff - Respondent

Before : **Sisira J. De Abrew, J**

P.W.D.C. Jayathilaka, J

Counsel : K.A. Upul Anuradha Wickramaratne
for the Accused-Appellant.

H.T. Peiries SSC for the Respondent.

**Argued &
Decided on** : **28.05.2013**

Sisira J. De Abrew, J

Heard both counsel in support of their respective cases. Accused – Appellant is convicted for raping a 7 year old girl named Sujani Perera and was sentenced to a term of 20 years rigorous imprisonment, to pay a fine of Rs.100,000/- carrying a default sentence of six months simple imprisonment and to pay a sum of Rs.200,000/- as compensation to the victim carrying a default sentence of two years simple imprisonment.

Learned Counsel does not challenge the conviction but makes an application to reduce the sentence. The accused appellant in this case raped his step daughter. The accused appellant at the time of the incident was a 54 year old man. On the date of this incident, the victim girl was suffering from fever and was lying on the bed. When we consider the above matters, we feel that we should not interfere with the sentence imposed by the learned High Court Judge. We therefore affirm the conviction and the sentence.

Learned Counsel at this stage makes an application to implement the sentence from the date of conviction (16.11.2010). Both counsel admit that the accused appellant, after conviction, has not been released on bail. We direct the Prison Authorities to implement the sentence from the date of conviction (16.11.2010)

Appeal dismissed.

JUDGE OF THE COURT OF APPEAL

P.W.D.C. Jayathilaka, J

I agree.

JUDGE OF THE COURT OF APPEAL

Na/-