

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

Jayaweera Arachchige Sheela
Ramani.

Accused-appellant

C.A. No.132/2011

H.C. Chilaw No. H.C.25/2004

Vs.

Hon. The Attorney General

Respondent

BEFORE : SISIRA J. DE ABREW, J. &
P.W.D.C. JAYATHILAKE, J.

COUNSEL : Padmakumara Randeny for the Accused-
Appellant
Ayesha Jinasena DSG for the Respondent

ARGUED AND

DECIDED ON : 11th July, 2013

SISIRA J. DE ABREW, J.

Accused produced by the Prison Authorities is present in Court.

Heard both Counsel in support of their respective cases.

The Accused-Appellant in this case was convicted on her own plea for trafficking 0.976 grams of Heroin and was sentenced to a term of 3 years rigorous imprisonment and to pay a fine of Rs.50,000/= carrying a default sentence of 6 months imprisonment. Being aggrieved by the said sentence, the Appellant has appealed to this Court. The facts of this case may be briefly summarized as follows:-

The Accused-Appellant and her husband both were indicted for this offence. Both pleaded guilty. The learned High Court Judge sentenced the 1st Accused to a term of 4 years rigorous imprisonment and to pay a fine of Rs.50,000/= carrying a default sentence of 6 months imprisonment. The 1st Accused did not appeal.

The 1st Accused was having two previous convictions. According to the prosecution case, the decoy who wanted to purchase 20 packets of heroin from the 1st Accused went to the house of the 1st Accused in order to purchase the said packets. The 1st Accused in the presence of the decoy, indicated to the Appellant that he needs 20 pieces. Thereupon the Accused-Appellant (2nd Accused) took a parcel from a place in the garden and gave the parcel to the 1st Accused. The 1st Accused took 20 packets and gave it to the decoy. Thereafter on a signal given by the decoy, Excise Officers arrested both Accused. The Excise Officers ^{took into custody} ~~arrested~~ 348 packets altogether from both the 1st Accused and the Appellant.

Learned Counsel appearing for the Accused-Appellant submits that the sentence imposed by the learned trial Judge is excessive. We note that the Accused-Appellant has pleaded guilty to the charge only after 3 years of trial. Further the learned trial Judge has imposed a minimum jail sentence. The 1st Accused who was having two previous convictions was sentenced to a term of 4

years rigorous imprisonment. When we consider the facts of this case and the sentence imposed by the learned trial Judge on the Appellant, we are of the opinion that the sentence imposed by the learned trial Judge is not excessive. We therefore, refuse to interfere with the sentence imposed by the learned trial Judge. We affirm the conviction and the sentence. Both Counsel admit that after conviction the accused-appellant has not been released on bail. We therefore direct the Prison Authorities to implement the sentence from the date of sentencing by the learned trial Judge (26.09.2011).

Appeal dismissed

JUDGE OF THE COURT OF APPEAL

P.W.D.C. JAYATHILAKE, J.

I agree

JUDGE OF THE COURT OF APPEAL

Kwk/=