

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

CA Application No: CA (PHC) APN: 09/13

High Court Gampaha Case No: 145/2006

Wellangoda Gedera Nandasena
No: 122/31, Ellalamulla,
Pasyala.

Petitioner

Vs.

1. The Officer -in-Charge
Police Station
Nittambuwa.

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

Respondents

And

Wellangahagoda Gedera Roshan Wjira Kumara

C.A. (PHC)APN No. 09/2013

H.C. Gampaha No.145/2006

BEFORE : A.W.A.SALAM, J. &

SUNIL RAJAPAKSHE, J.

COUSNEL : Jeffry Zeinudeen for the petitioner

Anoopa de Silva SSC for the respondent

ARGUED AND

DECIDED ON : 30th July, 2013.

A.W.A.SALAM, J.

This is a revision application to have the sentence imposed on one W.G.R. Wajira Kumara varied. He has not been made a party to these proceedings. Further the application has been filed by the petitioner on the basis that he is the father of the accused. The State has raised a preliminary objection as to the right of the petitioner to maintain this application by reason of the following judgments of this Court.

- (1) Senathilaka Vs. A.G. 1998- 3-SLR 290
- (2) M.P.Piyaseeli Vs. A.G. CA PHC 18/2009
- (3) M.M.Sonali Fernando Vs. A.G. CA APN 144/2007

As has been clearly laid down in the above cases that no one else, other than the accused himself can maintain an application to vary the sentence. We uphold the preliminary objection and dismiss the revision application.

JUDGE OF THE COURT OF APPEAL

SUNIL RAJAPAKSHE, J.

I agree.

JUDGE OF THE COURT OF APPEAL

Kwk/=